



BUREAU OF INDIAN AFFAIRS NAVAJO REGION

Report to the 24th NAVAJO NATION COUNCIL



Location: Na'ha'ta Dzil, Arizona, Community Celebration of New Bridge on N2007.

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October 17, 2022

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NAVAJO REGIONAL DIRECTOR COMMENTS

With Summer closing, we are still experiencing unseasonal monsoon rains that continue to cause challenges for communities throughout the Navajo Nation. The Regional transportation team continues to provide support in terms of heavy equipment, repair of damaged earthen roads, and working around the clock to ensure that communities remain safe and connected to their surrounding communities. I've attended a number of bridge openings throughout the year, showing that when we work together, we can accomplish great things for the benefit of the Navajo communities.

The President of the United States and the Secretary of the Interior have mandated 3 initiatives involving Chaco Canyon Historical National Park involving a temporary stay of energy development within a 10 mile radius of the Park. The administration is also working on the Honoring Chaco Initiative, and the Chaco Ethnographic Study. Our Federal Indian Minerals Office is currently evaluating what, if any, impacts this may have on development of allotted Lands. Regardless of these initiatives, FIMO continues to provide services to allottees and fulfill our trust obligations as these activities are ongoing. Despite the Administration's hold on development in the boundary areas around Chaco, the FIMO conducted a lease sale on behalf of allottees and 40 allotments, continues its outreach activities and enforcement and inspection duties.

The Region continues to work towards the conclusion of projects involving the Former Bennet Freeze Area Integrated Resources Management Plan and the associated Programmatic Environmental Assessment. The team working on this project has forwarded the draft to the Nation and is awaiting a selection of a proposed alternative, upon receipt of which, the Region will finalize the plan. Our teams are also working on the Regional Management Plan Amendment, the associated Environmental Impact Statement, and the Programmatic Agreement of Section 106 consultation. We further continue to gather information on the status of the climate and on the ground conditions to address concerns involving grazing and the issuance of grazing permit. We intend to apply the data combined with the best available science to make future determinations on carrying capacity and grazing permits.

Finally, as we have been doing for some time now, we continue to monitor the COVID Pandemic, and the changing conditions in the Navajo communities. With the Omicron variant booster available, we expect to see a continued diminishment of the threats associated with the virus, though we are entering winter when people are gathered inside more frequently which could lead to another surge. We encourage the communities to continue obtaining booster vaccines until we can fully control the spread on the Navajo Nation.

I can be reached by email at gregory.mehojah@bia.gov and by cell phone at (505) 870-2972.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory C. Mehojah', with a stylized flourish at the end.

Gregory C. Mehojah, Regional Director
Navajo Region, BIA

OFFICE OF TRIBAL GOVERNMENT SERVICES

The Office of Tribal Government Services (OTGS) continues to represent the Bureau of Indian Affairs at various governmental meetings including the Navajo Nation's Office of the President and Vice President, Navajo Nation Council meetings, Navajo Nation Council Delegate meetings, and Navajo Nation Council Committee meetings with Navajo Nation leadership as well as at specific Federal Agency project meetings such as BLM RMPA, IRMP FBFA and IWMP EIS.

For the summer quarter, the BIA referred 140 requests to the Navajo Nation Office of Vital Records/Enrollment program regarding Certificate of Indian Blood (CIB) for prospective membership. The CIB requests range from individuals seeking scholarship and benefits to prison inmates seeking membership with the Navajo Nation. Based on enrolled agencies, see below on BIA referrals made this quarter:

Office/Agencies	Referrals
Eastern Navajo Agency	24
Chinle Agency	12
Fort Defiance Agency	9
Shiprock Agency	35
Tuba City Agency	11
Window Rock	49
Total:	140

In addition, the OTGS continues to provide updates to the Navajo Nation regarding national Tribal initiatives from the Office of the Assistant Secretary, Indian Affairs, including transmittals of 13 "Dear Tribal Leaders" letters to the Navajo Nation. Copies of the "Dear Tribal Leaders" letters and transmittals are attached under Appendix A.

The Tribal Operations Specialist (TGS) serves as the Awarding Official Technical Representative (AOTR) for three P.L. 93-638 contracts. In coordination with the Awarding Official, Program Administrator, Navajo Nation, the following transactions were completed this quarter.

FEDERAL INDIAN MINERALS OFFICE (FIMO)

The fourth quarter for FY2022 has been steady for The Federal Indian Minerals Office (FIMO). FIMO continues to be on rotational staff as the guidance from the CDC is closely followed by the various agencies. We continue to meet with allottees at the office and provide phone-in outreaches to the communities in Eastern Navajo Agency. Activities in the field is rebounding and we are seeing new projects being proposed. The President of the United States and the Secretary of the Interior have mandated 3 initiatives a withdrawal of federal minerals within a ten-mile radius of Chaco Canyon Historical National Park (CCHNP), Honoring Chaco Initiative, and the Chaco Ethnographic Study and currently FIMO is assessing how this will impact development of allotted

lands. FIMO continues to service allottees and fulfill its trust responsibility as we move forward in these trying times of COVID and mandates.

Ongoing Projects:

- Lease Sale –Amended lease due to the oil company section of lease and finalizing the Competitive Lease Sale #135 on January 13, 2022, for 40 Indian Allotments and received one (1) adequate bid in the Lease Sale – Lease No. N0-G-2227-2012 for Indian Allotment No. 172 has been completed, and the Bonus and the first-year rental has been paid to the mineral owners on June 2, 2022.
- Negotiated Lease Sale – Completed negotiated Lease Sale for four (4) Indian Allotments 6, 15, M10, and M11. The Bonus and the first-year rental have been paid to the mineral owners.
- DJR Carson Unit Expansion - Eleven (11) Indian Allotments 259289, 259288, 259284, 259285, 259286, 259287, 211670, 211671, 211672, 211673, and 259283 leases were amended by changing the original leases from the 1950s rates to current rates for rental, bonus, and royalty rates. In addition, FIMO did get consent from the landowners to amend the leases.
- Resource Management Plan Amendment/Environmental Impact Statement – The BLM/BIA co-lead project has been put on a “pause status” to allow for the Programmatic Agreement of Section 106 Consultation an opportunity to catch up with the management plan. The BIA/BLM are on task to continue with Tribal Consultation regarding the PA. The projected final Record of the Decision is tentatively scheduled for the spring 2022. Although the BLM was given directives to withdraw ten miles of federal minerals within a CCHNP, this mandate will be a separate from this amendment initiative.

Accomplishments:

FIMO has made great strides in continuing our responsibility with the on the ground activities. FIMO staff continues to strive to address the many questions received and service the allottees daily. FIMO has worked to adjust and find creative ways to assist the needs of the allottees.

- Outreach – The COVID-19 Pandemic has moved FIMO into utilizing a Phone-In method of Outreach. For the 4th quarter, FIMO conducted 10 outreach sessions of which 4 were phone-in sessions and 6 in person, covering 23 Chapter areas, by mailing out 5,700 post cards. FIMO received 76 call-ins for all 4 phone-in sessions. This is an 8.2% participation for the 4th quarter. FIMO serviced allottees at the office and via phone calls. FIMO received and assisted with 355 calls/walk-ins for the 4th quarter. 63% of the 355 inquiries are related to Oil & Gas activities, 10% related to probate, 13% to non-O&G activities, 2% to Off-lease ROWs, and 12% to BTFA for address changes and death reports. FIMO Outreach Booth at the San Juan County Fair resulted in 596 visitors.
- Inspection & Enforcement – the BLM Inspection and Enforcement (I&E) completed about 95 inspections on Navajo Indian Allotted wells for the 4th Quarter, completing 65% inspections for the fiscal year. There were 15 plugged & abandon wells witnessed, 40 written incident of noncompliance, and 165 records reviewed for this quarter.
- Environmental Surface Inspection – There were 70 wells identified for FY2022 for inspection and FIMO has inspected 43 well locations. FIMO continues to improve its surface inspection program. Inspection was conducted and completed on four abandoned wells where the Lessee/Operator filed BK. The reports were forwarded to Realty Specialist to terminate/close the lease for further request of orphan well funding.
- Leasing Assignments – Completed six (6) Assignment of Oil & Gas Mining Leases.

Completed one (1) Assignment of Oil & Gas Operating Rights
Assignment of Oil & Gas Mining Leases

- Lease Termination/Cancellation – Three (3) Leases were terminated in the fourth quarter.
- Application for permit to drill (APD) – There were 2 notices of staking for proposed well pad installation submitted and no Application for Permit to Drill (APD) submitted for this quarter. FIMO attended the on site for all scheduled events to cover IA lands involved.
- Audit/Compliance Reviews – FIMO auditor's work plan for FY 2022 includes 48 identified cases 18 carry overs and 30 new cases. For the 1st, 2nd, 3rd and 4th quarters, the auditors have closed out twenty (20) cases and collected \$14,435.55 in additional royalties.
- Royalty Distribution – September O&G Distribution is scheduled for next week, the 29th, that royalty amount will not be available until the 28th at the earliest. The amount below includes July, August, September, and up to the 1st Distribution for September (15th) There were approximately \$18,741,717.18 royalties distributed to mineral owners for the 4th quarter. A 31.05% increase from the last quarter. Total for Fiscal Year is \$48,854,472.00.

The 4th quarter has started with a steady pace and the field work is continuing with reclamation in progress in some of the areas around Navajo Eastern Agency. FIMO is aligning with its goals and mission. There is lots of activity happening as we move into the 4th quarter.

ADMINISTRATIVE AND MANAGEMENT SUPPORT

BRANCH OF ACQUISITION OPERATIONS

For this quarter, Branch of Acquisitions completed the following work:

- Task Order No. 140A0922F0029 was awarded to Rock Gap Engineering in the amount of \$848,950.00 for a new waterline for Cameron, AZ for agricultural use.
- Task Order No. 140A0922F0030 was awarded to Rock Gap Engineering in the amount of \$883,765.00 for new water tanks for Navajo Partition Land Program.
- Purchase Order No. 140A0922P0060 was awarded to Mooweep, LLC for fence line repair for Navajo Partition Land program in the amount of \$300,000.
- Delivery Order No. 140A0922F0013 was issued to Silver Wolf Enterprises for bottled water to the Ramah community in the amount of \$194,450.00.
- Purchase Order No. 140A0922P0059 was awarded to Hidden Water, Inc. for weed inventory for LMD 12 for Shiprock Agency in the amount of \$366,288.00.
- Purchase Order No. 140A0921P0090 was awarded to BRIC, LLC in the amount of \$344,162.00 for weed inventory, planning and environmental assessment for Land Management District (LMD) #12 in the Shiprock Agency. A pre-work meeting was held, and work will begin soon.
- Purchase Order No. 140A0921P0084 was awarded to Sundance Consulting in the amount of \$388,452.96 for the remediation of the former Crownpoint Community School. Work is in progress.
- Purchase Order No. 140A0921P0076 was awarded to Tehama LLC for removal of the former Black Springs sheep dip vat site, Naschitti, NM. A pre-work meeting was held, and work is in progress.

- Purchase Order No. 140A0921P0077 was awarded to Tehama LLC for removal of the former -
- Toadlena sheep dip vat site, Toadlena, NM. A pre-work meeting was held, and work is in progress.
- Purchase Order No. 140A0921P0087 was awarded to AMG Company, Inc. for the re-stripping project for routes in the Shiprock Agency. Work will begin soon.
- Purchase Order No. 140A0921P0092 was awarded to BRIC, LLC in the amount of \$286,365.79 for the Paiute Creek Restoration Plan project. Work is in progress.
- Contracts for noxious weed projects have been awarded for Western Navajo Agency and Eastern Navajo Agency within the Navajo Region.
- Staff continues to monitor and administer on-going contracts that have been issued in previous fiscal years for construction and services.
- A total of 251 purchase requests with a value of \$8,405,489.55 have been completed for Fiscal Year 2022.
- The work in progress for the school construction contracts is benefiting the members of the Navajo Nation by maintaining and upgrading the deteriorating BIE school conditions where many students of the Navajo Nation attend.
- BIA highways within the Navajo Reservation are being maintained and repaired for the traveling safety of the public which include members of the Navajo Nation and local bus routes to ensure the safety of the students.

BRANCH OF PROPERTY

Branch of Property continues to provide support and assistance to Bureau of Indian Education (BIE) with the personal and real property assets since the transition of the Property Functions to BIE. This is as provided by the FY 2021 Service Line Agreement (SLA), Amendment One, between Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) for Property Management responsibilities. This is in accordance with the *Secretarial Order No. 3343 – Restructuring the Bureau of Indian Education*.

In addition, Property has concluded and submitted the Fiscal Year 2022 Annual Physical Inventory of Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) for the personal and real property. Staff is continuing to perform adjustments for the assets in the Financial Business Management System (FBMS).

Property staff have been working with other BIA programs to assist in the return of land and other real property to the Navajo Nation. Staff continues to work with the other government agencies, programs etc. in identification of land status, to continue or improve services for the Navajo Nation.

BRANCH OF BUDGET MANAGEMENT

FY 2022 - Below is a summary of FY-2022 funds provided to the Navajo Nation under P.L. 93-638 contracts, as of September 23, 2022. The funding provided totals \$98,218,192.00 with \$73,508,228.00 available for tribal draw down and \$20,470,628.00 to be awarded.

NAVAJO NATION P.L. 93-638 FUND STATUS as of September 23, 2022						
Fund	FA Budget Program	Funds Available	To Be Awarded	Not Drawn down	Distributed as of 09.23.2022	Available Funds
223A2100DD	A0H901010 : SOCIAL SERVICES-TPA	5,993,389.00	208,204.00	5,785,185.00	5,993,389.00	0.00
223A2100DD	A0H901040 : Domestic Violence	146,000.00	0.00	146,000.00	146,000.00	0.00
223A2100DD	A0H913030 : WELFARE ASSISTANCE-TPA	33,903,870.00	0.00	33,903,870.00	33,903,870.00	0.00
223A2100DD	A0H922020 : IND CHILD WELFARE ACT-TPA	1,492,553.00	252,692.00	1,239,861.00	1,492,553.00	0.00
22XA2100DD	A0H937070 : HOUSING IMPROV PROGRM-TPA	1,710,641.00	1,710,641.00		1,710,641.00	0.00
223A2100DD	A0J304545 : Conservation Law Enforcem	47,000.00	47,000.00		47,000.00	0.00
223A2100DD	A0J908080 : TRIBAL COURTS PROGRMS-TPA	1,822,606.00	73,074.00	1,749,532.00	1,822,606.00	0.00
223A2100DD	A0J908081 : TRIBAL COURTS(TPA) TIWAHE	402,441.00	0.00	402,441.00	402,441.00	0.00
223A2100DD	A0N301010 : IRRIGATION, OPER & MAINT	5,500,000.00	0.00	5,500,000.00	5,500,000.00	0.00
223A2100DD	A0N330000 : COOP LANDSCAPE CONSERVATN	10,000.00	10,000.00		10,000.00	0.00
223A2100DD	A0N342020 : WATER MGMT, PLAN&PRE-DVLP	164,629.00	164,629.00		164,629.00	0.00
223A2100DD	A0N3A0000 : ENDANGERED SPECIES	19,330.00	19,330.00		19,330.00	0.00
223A2100DD	A0N3C0000 : Inv Specs/Noxs Weed Eradi	176,604.00	176,604.00		176,604.00	0.00
223A2100DD	A0N3E1010 : FOREST DEVELOPMENT	17,500.00	17,500.00		17,500.00	0.00
223A2100DD	A0N3E2020 : FOREST MNGMT INVNTRS&PLNS	52,600.00	52,600.00		52,600.00	0.00
223A2100DD	A0N3F1212 : FISH HATCHERY MAINTENANCE	260,919.00	260,919.00		260,919.00	0.00
223A2100DD	A0N6A3031 : FOREST MARKETING ASSIST	25,993.00	25,993.00		25,993.00	0.00
223A2100DD	A0N9A0505 : NATURAL RESOURCES -TPA	4,315.00				4,315.00
223A2100DD	A0N9B1010 : AGRICULTURE PRGRM-TPA	1,302,188.00	0.00	1,302,188.00	1,302,188.00	0.00
223A2100DD	A0N9C3030 : FORESTRY PROGRAM -TPA	837,523.00	80,000.00	757,523.00	837,523.00	0.00
223A2100DD	A0N9D4040 : WATER RES PROGRAM -TPA	727,993.00	0.00	727,993.00	727,993.00	0.00
223A2100DD	A0N9E5050 : WILDLIFE&PARKS PRGRM-TPA	3,573,093.00	53,039.00	520,039.00	573,078.00	3,000,015.00
223A2100DD	A0R312020 : WATR RIGHTS NGTN/LITIGATE	443,333.00	443,333.00		443,333.00	0.00
223A2100DD	A0R9D4040 : ENVRMNTL QLTY PRGRM-TPA	117,144.00	0.00	117,144.00	117,144.00	0.00
223A2100DD	A0T902020 : OTHER AID-TRBL GOV -TPA	998,153.00	0.00	998,153.00	998,153.00	0.00
22XA2301DD	A11246060 : EMERGENCY MGMT SYSTEM	266,000.00	0.00	266,000.00	266,000.00	0.00
223A2240DD	A3T937070 : CSC CONTRACT SUPPORT TPA	20,807,089.00	16,875,070.00	2,697,013.00	19,572,083.00	1,235,006.00
223A2100DD	AEE904040 : JHNSN O'MALL A GR TPA BIA	3,855,470.00	0.00	3,855,470.00	3,855,470.00	0.00
223A2100DD	AEE931010 : TRIBAL SCHOLARSHI TPA BIA	13,539,816.00	0.00	13,539,816.00	13,539,816.00	0.00
TOTALS		98,218,192.00	20,470,628.00	73,508,228.00	93,978,856.00	4,239,336.00

TRUST SERVICES

BRANCH OF NATURAL RESOURCES

Standard Operating Procedures

The Branch of Natural Resource (BNR) has prepared the draft Standard Operating Procedures (SOP) that outlines the administrative processes for grazing and agricultural land use permits. The NEPA section of the SOP is still being revised to ensure mitigation measures and best management practices are available.

Programmatic Environmental Impact Statement for the Navajo Nation Integrated Weed Management Plan

The BNR staff is in the final process for the Programmatic Environmental Impact Statement (PEIS) for the Navajo Nation Integrated Weeds Management Plan (IWMP) final document reviews. All Federal weeds laws and Bureau of Indian Affairs Manual (BIAM) and Handbooks are being reviewed for proper guidance on the removal of noxious weeds from Trust and Allotted lands, while seeking answers to whether BIA needs individual consent from the Navajo Nation (NN) as the majority land holder. What weeds are a Trust Asset now? A status update meeting for the Former Bennett Freeze Area (FBFA) Integrated Resource Management Plan (IRMP) has also been attended on numerous occasions.

Noxious weeds are added regularly to the state's noxious weeds list and the Navajo Region takes the lead in keeping the Agencies informed. The final task with regards to the IWMP PEIS public announcement was to work with both print and radio media to announce the Public Service Announcement (PSA) as the final notice for the Final IWMP-EIS for comment. All media contacts would start announcing the PSA for the Final IWMP-PEIS to the public starting September 7, 2022, for both radio and print. The last date for public comment will be October 4, 2022. Immediately following the Record of Decision (ROD) will be prepared and approved by the BIA-Navajo Regional Director, so that the IWMP may be implemented.

Monitoring and Vegetation Data System (VGS):

The BNR staff continue to review the correlation of soils between series information and range i.e., Ecological Sites for the soil surveys that encompass the Navajo Partitioned Lands (NPL). The existing surveys AZ713-Chinle, AZ715-Ft Defiance, AZ707-Little Colorado, and AZ711-Navajo Mtn soil surveys are those that have incorporated the NPL. The information provided should correlate directly to NPL monitoring/VGS efforts for 2022 and every year thereafter. VGS and training that will occur November 2022 will focus on inputting all the soils information that can be derived for NPL. Each Agency will keep abreast of changes, additions, and just anything new in the correlation of soils and ecological site information. It has been our position that each Agency of the BIA Navajo Region and the NN have the necessary Soils Surveys that cover their jurisdictional areas so that sound natural resource management decisions can be made working with our constituents out on the land and with the NN. The VGS training that will be facilitated, will further advance BIA Navajo Region and its' Agencies monitor protocols. Monitoring all natural resources on the NN is critical to properly manage and interpret interpretation of natural resource management concerns.

Range Inventory:

The BNR staff have been tasked to Review a Statement of Work (SOW) for a newly planned range inventory for the NPL. This initial inventory should facilitate other inventories around the NN. Each Agency will need to complete identifying 10% of the total number of transects that were analyzed in previous years' Inventories. This number will be used to finalize the updated range inventory that is in planning.

Conservation Planning and Drought Mitigation:

The BNR staff has been attending weekly and quarterly Drought Seminar presented by NMSU offered by the National Oceanic and Atmospheric Administration (NOAA) Drought Mitigation Center, for Drought & Climate Adaptation updates. Information along with maps and websites for the NOAA have been sent out to keep the Agencies up to date. Staff is interested in looking at weather models that might help us predict any outcomes of precipitation events in the way of snow and or rain this winter season, which in turn could help us predict snowpack and soil moisture opportunities throughout the dormant vegetation growing season on Navajo. This is important to aid in the development of natural resource management planning efforts during times of drought for the Navajo Nation. Conservation planning is the key to drought mitigation. The BNR and the BIA Agencies are keenly aware of what is going on at the region in the way of natural resource management. Conservation Plans (CPs) and Agricultural Land Use Plans (ALUPs) are requested regularly to review to see how we might serve our constituents out on the landscape and the Navajo Nation. Staff reviewed five (5) CPs and submitted for use the ALUP template that has been authorized and approved for use by the Regional Director, and all BIA Agencies for either Irrigation District Farm Plots and or Non-Irrigation District Farm Plots just by changing the Title Page. Mitigating drought on the Navajo Nation will enhance the natural resources and facilitate a more knowledgeable farmer and rancher about resource conservation.

Shiprock Agency:

New projects within the Shiprock Agency:

The Shiprock Agency along with the BIA Navajo Region and the contractor (BRIC, LLC) began the District 12 data collection portions of weed inventory on August 17th. The District 12 Weed Inventory Project will inventory Noxious weeds within the washes and drainages that flow into the San Juan River in the Utah portion of Grazing District 12 from the community of Aneth to the Northern portion of the Shiprock Chapter. The Agency requested funding from the BIA's Noxious weed program. The Project was funded and awarded to BRIC LLC and the field inventory commenced last month. The inventory will allow the agency to formulate treatment plans to mitigate the noxious weed populations within the Shiprock Agency. The mitigation of weeds assists the Shiprock Agency in preserving the Navajo Nation Natural Resources for example weed mitigation preserves water resources by controlling the invasive weeds which take up a vast amount of water and mitigation also preserves soil resources on the Navajo Nation by allowing more desirable plants to inhabit space to utilize the nutrients found in the soil.

The Shiprock Agency is currently working to finalize the funding of part two to the Land Management District (LMD) 12 Weed inventory project. The agency requested funding from the BIA's Noxious weed program to fund the project. The Project will inventory weeds in the tributaries of the San Juan River in the communities of Beclabito, Gadiiahi/Tokoi, Shiprock, Red Valley and Cove Chapters. The project is currently in the bid portion of the process. The

mitigation of weeds assists the Shiprock Agency in preserving Navajo Nation Natural Resources for example weed mitigation preserves water resources by controlling the invasive weeds which take up a vast amount of water and mitigation also preserves soil resources on the Navajo Nation by allowing more desirable plants to inhabit space utilize the nutrients found in the soil.

Land Use Permit Issuance:

The Shiprock Agency issued one (1) Land Use Permit during this quarter. The Land Use Permits are for farm plots within the San Juan River Irrigation Project. The Land Use permits were processed using the Land Use Permit transfer procedure.

Livestock removal:

The Shiprock Agency coordinated with the local grazing official, NN Department of Agriculture and NN Resource Enforcement for the removal of 27 sheep, 27 cattle and 73 head of horses from District 12. The number of sheep removed equates to 27 sheep units, the number of horses equates to 365 sheep units and the number of cattle equates to 108 Sheep Units, the total of sheep units removed from the Shiprock Agency this quarter is 500 sheep units. The removal of 500 sheep units aligns with the BIA mission of conserving trust assets (grass in this case).

Chinle Agency:

Conservation Plans:

Chinle Agency Branch of Natural Resources (BNR) works one-on-one with Permittees to develop personalized conservation plans. This process includes conducting onsite surveying and assessments. The Permittees are asked to complete a questionnaire that is given to them at the District Grazing Committee meetings when they initiate their transfer or probate. Once GPS Coordinates are taken technical data can be gathered for that location. The LMD 10 has twenty-two (22) ongoing Conservation Plan collaborations, LMD 11 has 15 ongoing and LMD 4 has five (5) ongoing, respectively. These Conservation Plans are used for Biological Resource Compliance Form (BRCF) approval.

Noxious Weed Control & Treatment:

Navajo Route 4 (N-4) / Navajo Route 64 (N-64) Project: Phase II in FY2022, BNR was funded \$50K for retreatment and control, which is to commence this the fall of 2022 within the Rights-Of-Way (ROW) of N-4 and N-64. Increasing noxious weeds and invasive plant species within the Chinle Agency is having an impact on the economic, social, and cultural conditions that needs to be addressed and managed. The BNR Weed Inventory completed and covered 300+ acres and weeds that are the primarily concern to eradicate, control, mapping and monitor are Russian Knapweed, Musk Thistle, Scotch Thistle, Cheatgrass, and Tamarisk along the roadsides.

Navajo Route 59 (N-59) / Indian Route 12 (IR-12) Project: Phase I Chinle Agency BNR was awarded \$50K to conduct inventory and mapping of noxious weeds the ROW of N-59 and IR-12. BRIC, LLC was awarded to inventory and map the noxious weeds within the ROW of N-59 & IR-12. Thus far, BRIC, LLC completed the inventory and mapping of N-59, which consists of 65-acres of Russian Knapweed. IR-12 has 135-acres of noxious weed within its ROW, respectively. Total noxious weed acres for Phase II consists of 200-acres. The Noxious Weed Control and Treatment will take place early to late fall along four major BIA paved highways within the ROW. Weed Inventory completed four (4) BIA-maintained Road ROW covering 500+

acres and weeds that are the primary concern to eradicate, control, mapping and monitor are Russian Knapweed, Scotch Thistle, Musk Thistle, Cheatgrass, and Tamarisk along the roadsides. Increasing noxious weeds and invasive plant species within Chinle Agency is having an impact on the economic, social, and cultural conditions that needs to be addressed and managed. Therefore, treatment of the ROW of Navajo Routes N4, N64, N59 and Indian Route-12 that totals 300+ acres are paved roads used by the residents, delivery of goods and services, emergency personnel, school buses, and many other services.

Many Farms Irrigation Project:

Chinle Agency BNR continues to participate in the Many Farms Irrigation Project and Land Withdrawal of the A-Plot, which were part of the 33-canceled ALUPs. The Many Farms Irrigation staff are establishing perimeter fencing. BNR provided all the fencing material to construct the perimeter fencing. Many Farms Chapter intends to apply the General Leasing Act of the Navajo Nation. Chinle Agency is working with Many Farms Irrigation staff to create an updated the list of ALUP Permittees within the Many Farms Chapter.

Chinle Agency BNR Brand Book:

The Chinle Agency BNR Brand Book has been updated and completed. The brand books will be given to the Chinle Navajo Agency District Grazing Committee Members (DGCM), NN Department of Agriculture select staff, NN Department of Resource Enforcement Central Agency Rangers. Chinle Agency Brand Book disbursement will be limited due to the sensitive information that will be included.

Livestock Removal:

Chinle Agency BNR actively assists the DGCM and NN Department of Agriculture with authorized Equine Rescue Operations. Chinle Agency BNR assists with providing portable corral panels, trailering/hauling of feral horses to Resource Enforcement Impoundment Yard and/or auction facility.

Chinle Agency also has assisted nine (9) Permittees with removal of unauthorized livestock to come into compliance at the recommendation of the DGCM. Annual Livestock Inventories from LMD 10 and 11 have shown gross noncompliance.

Western Agency:

The Former Bennett Freeze Area (FBFA) Integrated Resources Management Plan (IRMP):

The FBFA IRMP and the associated Programmatic Environmental Assessment (PEA) have been completed and were presented to the NN Council's Resources and Development Committee (RDC) on January 11, 2022. The details of the IRMP and the PEA were presented, and the RDC was asked to make a selection of one of two alternatives (the Preferred Alternative or the No Action Alternative) for the PEA. A formal decision of record for the PEA will be drawn up by the BIA Navajo Region once the decision by the RDC is made. The BIA and its contractor ensured that maximum public participation and review in the development of the PEA was achieved, and this was done under the difficult circumstances caused by the ongoing COVID-19 pandemic. Currently the Project Team continues to await notice of the date the legislation on the FBFA IRMP, and the PEA will be considered by the Navajo Nation Council. Once the final decisions are made, work on implementation of the IRMP will commence. For additional

information visit the website: <https://www.bia.gov/regional-offices/navajo/western-navajo-agency/environmental-assessment>

FBFA Livestock Water Project:

The Western Navajo Agency (WNA) BNR continues to coordinate with the Navajo Nation Department of Water Resources (NNDWR) and USDA Natural Resource Conservation Service (NRCS) to work on water development projects for livestock and wildlife use in the FBFA of the WNA. This includes the funds that have been provided to the NNDWR to maintain and improve developed water sources, such as windmills and earthen tanks and coordination with the NRCS on Environmental Quality Incentive Program projects with individuals with grazing permits or agricultural land use permits. In addition, plans have been prepared for the development of livestock and agricultural watering points for individuals who haul water for livestock and farming. Two (2) watering points sites have been identified and funded. For the watering point in the Cameron Chapter area, the BIA has developed a statement of work for the design of and installation of a pipeline and standpipe. The BIA is currently in the acquisition process for hiring a contractor to design and install the waterline. It is expected that the contract will be awarded in September 2022. The second watering point is to be located at an existing windmill near the Moenkopi Wash and US Highway 89. The second one is being installed by the NNDWR.

LMD 1 and LMD 3 Range Management Plans:

The LMD 3 Range Management Plan (RMP) and the Environmental Assessment (EA) for the RMP have been completed in draft by the contractor and the BIA will complete the final steps of the EA to ensure a Finding of No Significant Impacts is issued. The RMP for LMD 1 is in process and is scheduled to be completed in December 2022. The management plan for LMD 1 will also address cropland areas. The LMD 3 covers over 1.4 million acres, and effects 661 Grazing Permits and the LMD 1 covers 833,625 acres and effects 535 Grazing Permits and 51 Agricultural Land Use Permits. These projects were developed to ensure it was aligned with the FBFA IMP.

Cropland Management Plan (CMP) for LMD 3:

The BIA WNA continues to work on the development of a CMP for LMD 3. The CMP is to provide documentation for the management of croplands for 193 ALUPs which cover about 1,030 acres. The documentation will assess environmental impacts on the physical environment by the variety of farming activities in LMD 3. In addition, agricultural projects under the Navajo Thaw projects are included in the Plan. Like the LMD 3 RMP, this project is being developed to be aligned with the FBFA IRMP PEA. This project is to be completed in December 2022.

Grazing Management and Stream Restoration Plans for Tsegi, Nitsin and Betatakin Canyons:

The implementation of the Tsegi Canyon portion of the “Grazing Management and Stream Restoration Plans for Tsegi, Nitsin and Betatakin Canyons continues and progressing. Currently work is occurring in Betatakin Canyon and two side canyons of Long Canyon for restoration implementation. The fences used in the restoration project are used to keep livestock out of treated areas and to protect restoration work from livestock use. Included in the restoration work is installation of erosion control structures, reseeding, and replanting. Other areas where restoration efforts have been completed, the cooperators continue to monitor and do maintenance as the need arises. The BIA has made funds available to the NN Department of Fish and Wildlife’s Natural Heritage Program additional funding, through Public Law 93-638 processes, to continue to assist in the restoration project.

Other WNA Projects:

In addition to the projects mentioned above, the WNA BNR staff continued work on the following Projects: a) LMD 1 and LMD 3 Boundary Fence Project, which includes the installation of cattleguards on BIA numbered roads that traverse these fence lines; b) The Shonto Wash noxious weed treatment plan development; and c) The Paiute Canyon noxious weed inventory and control project. In addition, funding has been obtained to do a noxious weed inventory for LMD 5 and for development of an EA for the Shonto Weed Treatment Project and post-treatment restoration plan. Please visit the following website to get additional information on the BIA Navajo Region's efforts to address management of noxious weeds on the NN: <https://www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan>. The BIA assisted the Navajo Nation Department of Agriculture and Navajo Nation Resource Enforcement in the removal of 72 horses from the Chilchinbeto and Dennehotso areas of LMD 8, and 138 horses from the Coppermine area of LMD 1. The BIA provided livestock panels for the entrapment operation and hauling services.

Navajo Partitioned Lands:

Communication and Cooperation with Grazing Officials:

The NPL staff continues its communication and cooperation with NPL District Grazing Committees by providing reports on projects and program activities thus making the reissuance of grazing permits its upmost priority and provide technical assistance. Reports provided would include status of grazing permits, livestock tally counts, new permit orientations, assist with providing fencing materials, windmill assessment and repairs, assist with transport of livestock to auctions, provide public notice flyers for weed treatment.

Grazing Permit Reissuance:

The NPL continue to assist the Navajo Nation (NN) Department of Agriculture and the NPL Grazing Committee with Phase II of the Heirship process.

Phase I. (Complete) Fifty (50) individuals have met all eligibility requirements with reissuance of permits is tasked to BIA NPL and as of today a total of 26 permits were reissued and the other 24 individuals have become deceased whose name is moved into Phase 2 where a family member may apply for the permit and must meet all eligibility requirement as set forth by the Joint NPL District Grazing Committee, NN Department of Agriculture and the RDS of the NN Council.

Phase II. Review of all heirship documents is tasked with NN Department of Agriculture and a committee that has yet to established to review all documents in determining eligibility requirements and BIA NPL will be tasked to reissue the permits. A total of 140 applications are pending reviews following the eligibility process outline by RDC.

Phase III. Case-by-Case: The other 449 individuals recommended by RDC and Joint NPL District Grazing Committee not considered in Phase 1 and Phase II will be reviewed on a case-by-case basis including those still living not making the RDC eligibility list and family members of the deceased may apply.

Windmill Assessment and Repairs:

Windmill assessment and repairs completed in 2022 has identified 37 windmills to be repairs at a cost of \$154,000.00 as most of the repairs will cover re-leathering of the sucker rods, replacement of standpipes, and replacement of motors. Contractor has been hampered by rain and wash-out roads causing a delay in their work plan. The 37 windmills to be repaired are as follows with those with * have been repaired.

2022 NPL Windmill Assessment & Repairs					
No	Chapters	Windmill No	No	Chapters	Windmill No.
1	Whitecone *	507-11	20	Pinon	307-17
2	Whitecone *	507-W6	21	Pinon	401-1
3	Whitecone *	509-2	22	Pinon	401-5
4	Whitecone *	510-2	23	Pinon	403-3
5	Whitecone *	511-2	24	Pinon	405-1
6	Whitecone *	513-1	25	Hardrock	304-10
7	Jeddito *	515-1	26	Hardrock	304-11
8	Jeddito *	515-2	27	Forest Lake	302-2
9	Jeddito	517-4	28	Forest Lake	303-7
10	Low Mountain	409-2	29	Forest Lake	303-12
11	Whippoorwill	407-1	30	Black Mesa	308-1
12	Whippoorwill	408-3	31	Black Mesa	308-7
13	Blue Gap	402-5	32	Chilchinbeto	310-2
14	Blue Gap	404-3	33	Chilchinbeto	310-3
15	Pinon	306-7	34	Shonto	104-5
16	Pinon	307-4	35	Tonalea	102-15
17	Pinon	307-7	36	Tonalea	105-15 Dempster
18	Pinon	307-14	37	Tonalea	107-4
19	Pinon	307-15			

Windmill Storage Tank Assessment and Proposal for Replacement:

Assessment of water storage tanks have identified 13 tanks for replacement and due to limited program funding only three (3) tanks will be replaced at the following locations: Whitecone, Low Mountain, and Whippoorwill at a cost of \$900,000. These are 30,000-gallon steel tanks that have deteriorated and have been vandalized.

Rangeland Inventory:

Proposal to complete the NPL Rangeland Vegetation Inventory for all three (3) precincts and 51 Range Units will start in late August at a cost \$489,200.00 that will identify available forage for livestock, wildlife, and livestock stocking rates, and carrying capacity.

Noxious Weed and Invasive Species Inventory:

The main concerns are the Salt Cedar, Russian Olives, Tamarisk, Russian Knapweed, Russian Thistle, Musk Thistle, and Cheatgrass. The NPL Noxious Weed and Invasive species inventory is a proposed project to inventory and map all known invasive species (BIA Navajo Region Noxious Weed List) within the proposed area. The goal is to identify and inventory all noxious

weed and invasive species in Shonto, Moenkopi, Dinnebito, Oraibi, Wepo, Burnt Corn, Polacca, and Jeddito Washes that would cover approximately 2,951.56 acres at an estimated cost of \$53,039.53. The width of the washes varies and an estimated width of 120 feet was used to determine acreage.

Noxious Weed Treatment:

Treatment of weeds using approved herbicide will be completed at the end of September for BIA Highway Route 6 (Whitecone), Route 4 (Blue Gap–Pinon), Route 41 (Pinon–Forest Lake), and Route N8066 (Black Mesa) with public notice and safety date sheet disseminated to all NPL grazing officials and affected chapters.

Fence Repair Proposal:

Assessment of the 1882 Executive Order fence line totaling 185 miles has been completed for all three precincts that has identified 32.3 miles of fence line damage due to water carrying debris, vandalism by animals, livestock and humans, and drifting sand. Repairs to the 1882 Executive Order Fence line will cost \$117,134.00 and getting archeological survey assistance from the Navajo Nation Historical Preservation Department on sites requiring sand dune removal.

NPL and Hopi Partitioned Lands (HPL) Referrals:

Fence repairs and cattle guard clean outs as recommended by the Hopi tribes through referrals received are as follows. NPL crew and Hopi fence crew completed fence repairs on ORM-012-2022 and Hopi Department of Transportation (DOT) and BIA Navajo Region, Branch of Transportation, did assist with cattle guard clean outs. Most of the damage fences are due to vandalized, high volume of runoff pushing a lot of debris.

Referral No.	Chapter	HPL / NPL Range Unit	Infrastructure repaired
ORM-012-2022	Tonalea	HPL 252/NPL 107	Fence Repaired
ORM-013-2022	Tonalea	HPL 252/ NPL 107	Pending. Sand dune removal
ORM-016-2022	Pinon	HPL 351/NPL305	Cattle Guard Clean out N8062
ORM-017-2022	Low Mountain	HPL 451/NPL409	Fence Repaired
ORM-018-2022	Shonto	HPL254/NPL110	Pending Cattle guard Clean out. Road Inaccessible
ORM-023-2022	Hardrock	HPL351/NPL304	Cattle Guard Clean Out
ORM-024-2022	Hardrock	HPL351/NPL304	Fence Repaired
ORM-025-2022	Hardrock	HPL351/NPL 305	Fence Repaired
ORM-026-2022	Low Mountain	HPL451/NPL408	Fence Repaired
ORM-040-2022	Pinon	HPL351/NPL307	Cattle guard Clean out
ORM-050-2022	Pinon	HPL351/NPL 307	Cattle Guard Clean Out
ORM-051-2022	Tonalea	HPL252/NPL107	Cattle Guard Clean Out
ORM-052-2022	Tonalea	HPL252/NPL107	Cattle Guard Clean Out

Fort Defiance Agency:

Grazing/Agricultural Land Use Administrations

Fort Defiance Agency BNR continues to update Grazing Management Plans for all permit transfers including addressing compliance with the NEPA. This act requires evaluation of grazing

and agriculture land use impacts to the environment and mitigation of these impacts to be identified in grazing and conservation plans.

The BNR has prepared the draft SOP that outlines the process for mitigation measures and best management practices that result from the NEPA analysis of the Navajo Grazing Plan, as well as regulations outlined in 25 CFR Parts 161, 166 and 167.

Proposed Range Management Unit (RMU)

District 17

Grazing Permittee, Steamboat Chapter – Proposed RMU request is pending for final approval by BIA and NEPA review

Grazing Permittee, Wide Ruins Chapter – Proposed RMU request is pending for review, Archeological Clearance, NEPA review and final approval by BIA.

Grazing Permittee, Greasewood Chapter – Proposed RMU request is pending for BRCF, Archeological Clearance, NEPA review and final approval by BIA.

Grazing Permittee, Greasewood Chapter - Proposed RMU request is pending for BRCF, Archeological Clearance, NEPA review and final approval by BIA.

Grazing Permittee, Klagnetoh Chapter - Proposed RMU request is pending for BRCF, Archeological Clearance, NEPA review and final approval by BIA.

Grazing Permittee, Klagnetoh Chapter - Proposed RMU request is pending for BRCF, Archeological Clearance, NEPA review and final approval by BIA.

Grazing Permittee, Greasewood Chapter - Proposed RMU request is pending for BRCF, Archeological Clearance, NEPA review and final approval by BIA.

Grazing Permittee, Wide Ruins Chapter - Proposed RMU request is pending for BRCF, Archeological Clearance, NEPA review and final approval by BIA.

District 18

Fort Defiance Agency is also assisting a Grazing Permittee, RMU with fencing material based on a received approval through EQUIP project to reconstruct 7-8 miles of old fence line that has deteriorated over time since constructed. They will need to installed metal braces and removed wooden braces. Currently most of the fence line has wooden braces.

Noxious Weed

The proposal is for the removal and management of Tamarisk and Russian Olive within the Red Willow Wash, Chuska Wash and Chuska Lake. The area is approximately 300 acres. The areas are dominated by Tamarisk and Russian Olive which were introduced in the 1930's by the Federal Government for erosion control. Currently, these exotic woody species are posing a threat to the environment and local land users in several ways.

District 14/15/16 Boundary Fence Line Project

Eastern Navajo Agency contracted VHJ, Inc. to reconstruct District 14/15/16 Boundary Fence Line Project. Fort Defiance Agency is assisting with fencing material such as fence clips, angle brace posts.

Equine Rescue Operation

Fort Defiance Agency BNR assisted NN Department of Agriculture and Greasewood Chapter in an Equine Rescue Operation. at Greasewood, Arizona. A total of 214 horses were rescued Fort Defiance Agency BNR provides assistance with panels and stock trailer.

BRANCH OF FORESTRY

The BIA, Branch of Forestry provided the approved Timber Cutting Permit to the authorized representative for the Navajo Nation Department of Water Resources (NNDWR) on July 26, 2022, via formal correspondence. Also provided were the legal description, the payment invoice, and the “Special Provisions” for the permit for the project within the Chichiltah/Vanderwagen communities. The BIA, Branch of Forestry will provide the oversight for this permit due to project activities taking place on allotted lands. A response from NNDWR on the invoice was received during the week of August 22nd and the funds have been processed within the Trust Asset and Accounting Management System (TAAMS). A response from NNDWR on the start date for the project is pending as of time of report.

During the quarter, the BIA, Branch of Forestry provided formal a letter notifying all the beneficial Indian owners of the proposed project activities by the NNDWR in the Chichiltah/Vanderwagen communities. This letter states that the BIA prepared and approved a timber cutting permit for the NNDWR which authorizes the legal harvest of forest products from within the affected Indian allotments. It also states that the NNDWR or their subcontractors are authorized to harvest and conduct resource mitigation activities within the affected Indian allotments through July 31, 2023.

BRANCH OF WILDLAND FIRE MANAGEMENT

Prevention

The BIA Navajo Region Trust Services Branch of Wildland Fire Management (BWFM) is responsible for providing wildland fire response, coordination of resources, management, planning, oversight, and monitoring for all activities related to wildland fire protection of Navajo Tribal Trust lands. Upon the onset of monsoons within the local area, qualified fire resources are provided the opportunity to assist at other agencies, employing their skills, leadership capabilities and equipment for fire management and response.

The fourth quarter of the fiscal year is typically the slowest part of the fire season for local fire activity because of elevated precipitation amounts and diminished fire danger. Navajo Region seasonal fire staff are generally assisting other agencies in California, Idaho, Montana, Washington, and other western states with fire suppression support.

The Navajo Nation Environmental Protection Agency (NNEPA) / Air Quality Control and Operating Permit Programs Office provided these fire registration totals (Table 1):

Agricultural Burning	Field	Cultural Traditional	Complaints
0		49	1

Table 1. Total burn registrations separated by types. Total 50.

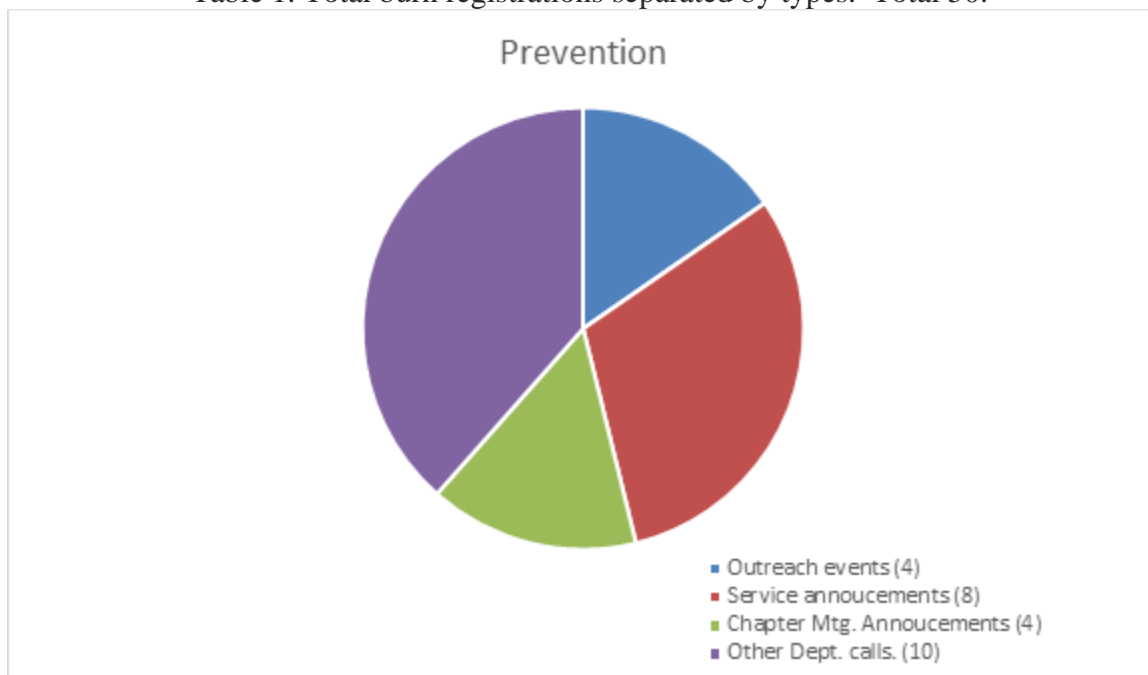


Figure 1. Fire Prevention Activities from July 2022 to September 2022

Executive Order for Stage One Fire Restriction was lifted permitting open burning with registration with NNEPA.

Fire Prevention Specialist participates in New Mexico Fire Prevention/information conference calls and Northern Arizona Zone conference calls to stay informed on changes from neighboring agencies regarding fire restriction status and maintaining interagency correspondence on fire prevention changes in the southwest area. Fire restrictions have been rescinded in New Mexico and Arizona.

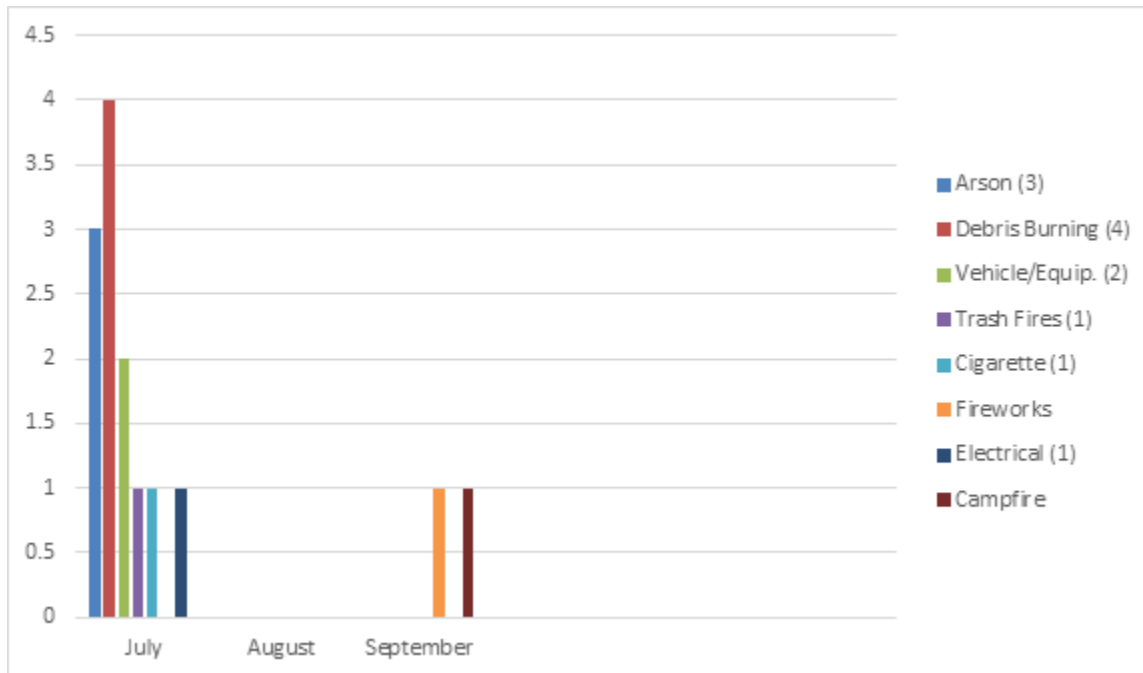


Figure 2. Fire Investigations completed for the months July 2022 to September 2022. Total number 12.

No fire investigations occurred in August. There were three investigations which occurred in September.

Fuels

The Fuels Management Program conducted a risk assessment within the Pinehaven and Breadsprings communities located South of Gallup, New Mexico. As a result of high mortality rates of Pinyon Juniper Trees caused by drought and the IPS Pine Bark Beetle, the communities have been identified as exhibiting a higher risk to the negative effect wildland fires. They will be treated with defensible space around homes and structures, because of assessments. Three homes have been visited within the last quarter and have been thinned of dead and dying trees with the debris being piled and chipped. The total acreage treated for the area includes approximately 30 acres. The Fuels Management Program will continue to assess the Eastern parts of the reservation including Mariano Lake and Smith Lake.

The Fuels Management Program will have a Forestry Technician attending the 401 Professional Series Course at Northern Arizona University for the Fall Semester 2022.

Amid restrictions, there was coordination between the BWFAM and Navajo Nation Law Enforcement from Navajo Forestry Department, Navajo Nation Rangers, and Navajo Nation Police Department to enforce and reduce the number of humans caused fires.

Dispatch

Navajo Region Dispatch Center has issued 202 fire numbers (year to date) and closed out approximately 145 fire reports for the 2022 fire season. These fire numbers include support actions and initial attack responses.

40 - Human Caused fires for a total of **39.5 estimated acres**

33 – lightning caused fires for a total 50.4 acres.

12 - Support numbers issued for resources to:

Type 3 Helicopter with module – BIA Severity/San Carlos, Arizona

Fire Investigator – BIA Severity/San Carlos, Arizona

Type 2 Scouts IA Crew – Midnight Fire/New Mexico

Type 6 Engine – BIA Severity/Southern Paiute Agency/Utah

Navajo Hotshot Crew – Dragon Fire/Arizona

Type 3 Helicopter with module – BIA Severity/Eastern Oklahoma Agency

Navajo Hotshot Crew – ONC Staging/Northern California

Type 6 Engine with module – BIA Severity/Flathead Agency/Montana

Type 3 Helicopter with module – BIA Severity/Colville Agency/Washington

Navajo Hotshot Crew – OSC Preposition/Southern California

Type 2 Scouts IA Crew – Severity/Utah

Aviation

The BIA BWFM, Aviation Section has operated with nine aviation personnel for the Months of July, August, and September staffing the BIA Exclusive Use Helicopter Contract. The Aviation Section lost the Fire Helicopter Assistant Supervisor to mandatory special retirement at the end of June. The position GS-0462-7/8 is currently vacant and will be advertised this Fall. Navajo Helitack used other section's qualified Helicopter Crewmembers and Helicopter Manager to fill in and assisted with staffing the aircraft locally and for fire assignments out of the Navajo Region.

The new 2,000 square feet Helitack Facility/Office at the Window Rock Airport is still a work in progress. We are still working on improvements with the exterior landscaping around the new facility and the improvements are based on Aviation program funding. Thus far, we have spread one-inch gravel with a ten feet buffer around the entire building.

The Exclusive Use Helicopter Contract and Helitack Module continued assisting the Navajo Region with initial attack responding to six incidents. On July 22, 2022, after receiving the monsoon moisture, the BIA Exclusive Use Helicopter and Helitack Module received a resource order to an BIA Eastern Oklahoma Agency on a long-term severity order. The Eastern Oklahoma area had a wide range of response jurisdictional area to take care with initial attack responsibility. The BIA Exclusive Use Helicopter assisted with initial attack response along with other fire resources. The Helicopter and the Helitack Module responded to 15 fire incidents and assisted with the initial attack supporting the incidents with Helitack Crewmembers and water retardant (bucket drops). The BIA Exclusive Use Helicopter flew a total of 39.7 hours assisting with the agency. At the end of the Eastern Oklahoma assignment, the BIA extended the helicopter contract beyond the 110 days for an additional 30 days (day-by-day basis) mutual agreement. On August

25, 2022, the BIA Exclusive Use Helicopter with the Helitack Module received another resource order for the Colville Agency long-term severity to assist with the initial attack assets and support the agency. The BIA Exclusive Use Helicopter and Helitack Module responded to six initial attack incidents and flew a total of 38.1 hours supporting them with various missions such as reconnaissance flights, delivering supplies, and initial attack. Also, along with the assignments the Helitack Module gain the experience and knowledge that went along with the various types/unique situation with the air operation for each agency. The Helitack Crew had completed several position task books while being on assignments tis fire season.

The Aviation section had a very successful safe season overall. The BIA Exclusive Use Helicopter Contract provided service under the procurement document for 140 days from May 1st through September 17th, 2022. The BIA Exclusive Use Helicopter flew a grand total of 150.8 of flight time with a total cost of approximately \$613,456.50 for the season.

Shiprock Engines

In July 2022, the BIA BWFM Shiprock station responded to a total of 17 fires. The total acreage for all fires in the month was 22.25 acres. The biggest being half an acre.

In August 2022, the BIA BWFM Shiprock station responded to a total of two (2) fires within the month. Both fires being one-tenth of an acre each. The staff assisted Prevention Specialist, Darryl Wilson with a student presentation at Beclabito Chapter. Two (2) personnel went on an out-of-state assignment with the Navajo Aviation Crew and assisted with managing and technical skills while in Oklahoma.

In September 2022, the BIA BWFM Shiprock station responded to a total of two fires within the month. Totaling an acreage of three-tenths of an acre.

The monsoonal moisture slowed activity within the Shiprock area, significantly.

Fort Defiance Engines

The Fort Defiance Engines staff continue to improve with fire knowledge with sand table scenarios, medical response drills and wildfire size up training. There has been some significant lighting activity with heavy rainfall in the response area which have been mitigated with prompt response time.

On July 29, 2022, the Ft. Defiance Type 6 Engine (E-3662) completed their assignment in St. George, UT. The module helped support the Southern Piute Agency during their peak fire season.

Early August, engines, E-3664 and E-3661, respond to four lightning caused fires in the local responding area. All four fires combined were kept under a half-an-acre.

On August 18, 2022, an engine module was dispatched to northwest Montana. The crew assisted in responding to the Garceau, Niarada, and Sullivan fires, which was on the Salish Kootenai Confederate Tribes reservation, Flathead Agency.

On August 24, 2022, the Fort Defiance engine boss took command, as an Incident Commander Type 4, of the Elmo fire which consumed over 21,000 acres in North Elmo, Montana, Flathead Agency.

On September 11, 2022, the Fort Defiance Type 6 Engine responded to a fire in the Wheatfields and Whiteclay area. The fire was lightning caused and had a total acreage of half-an-acre.

The Fort Defiance personnel are currently working in Pine Haven, with the Fuels staff, for fuel reduction work around structures to reduce potential damage from wildfires. They also assisted within retrieving data from potential project areas, such as acreage, species type and assessment of work.

Operations and Administrative

Overall, within the conclusion of the Fiscal Year 2022, the administrative staff is supporting operations staff with maintaining and submitting travel documents pertaining to out of region fire response travel. They are also re-allocating funds to maintain the integrity of our annual budget.

Currently, most seasonal staff will be placed on furlough for the winter. There is one resource still committed to an out of region fire and that is the Navajo Scouts Type 2 Initial Attack crew. They are assigned to the Ross Fork fire in central Idaho.

BRANCH OF ENGINEERING

Water Resources

Public Law 93-638 Water Monitoring Contracts:

Branch of Engineering and Navajo Nation Water Management Branch (NNWMB) conducted the fourth (4th) quarterly meeting for Fiscal Year (FY) 2022 on September 2, 2022. In this meeting, FY2021 GPRA completed goals for the awarded projects were discussed, as well as the upcoming FY2023 GPRA target goals for FY2022.

Water Management, Planning & Pre-Development Program:

NNWMB submitted two (2) projects for Water Management, Planning and Pre-Development Program for the FY2023 funding:

1. Black Mesa Navajo Aquifer Monitoring Program (N-Aquifer), Funding Amount: \$94,400
2. Coconino Aquifer Monitoring Program (C-Aquifer), Funding Amount: \$90,229

Public Law 111-11 Navajo San Juan Water Settlement Projects:

Fruitland-Cambridge Irrigation (F-C) Project:

1. Fruitland Diversion, a project of replacement of the canal headworks where it includes a construction of a new diversion dam, and fish weir. Start Date: Fall 2023.

Hogback-Cudei Irrigation (H-C) Project:

1. Hogback Canal Steel Siphons, A replacement project of a steel siphons and flume. The Navajo Nation revised the start of construction to Fall 2023.
2. Eagle Nest Siphon Cleaning and Inlet Safety. Project started Spring 2022 The 60% Final Design Review was completed for the Safety features. Estimated Construction: Spring 2023.

Conjunctive Groundwater Use Wells (CGW) Project:

1. Tse Bonito Water Line Extension, the Navajo Nation plans to complete tasks under the current Planning, Model 108 Contract prior to the end date of the contract, December 31, 2022.
2. Chichiltah-Vanderwagon Design. The data of the well drilling will be completed by the end of October 2022. This completed work will have the CGW team review the data to determine the next step of proceeding forward with the 30-60% Design Review or revise the Scope of Work.
3. Sheep Springs Connection – Phase I Project, the Navajo Nation is modifying the contract with the contractor through the Navajo Nation’s procurement process.

Substantially Completed Projects

Branch of Engineering is working with the Navajo Nation to request close-out documentation to formally complete the projects that are listed in the Table below.

Table 1.1 Projects substantially completed, pending formal completion

Project Name	Type	Description
Bitsui Siphon	F-C	Replacement of existing pipeline and installation of a new trash rack.
Yellowman Siphon	F-C	Replacement of existing steel pipe and install an automated trash screen.
Fruitland Canal Seepage	F-C	Design project to help stabilize the collapsed canal embankment slope of the Fruitland Canal
Helium Lateral Siphon	H-C	Replacement of an existing 40-ft steel pipeline with HDPE.
Lateral Conversion	H-C	Material Purchase Project
Canal Lining Rehabilitation	H-C	Replacement of needed material along the canal.
Cutter Lateral Blending Study	CGW	This study ensures the surface and groundwater mixture provides safe potable drinking water to the eastern portion of the completed NGWSP.
Sanostee Well Replacement	CGW	Replacement of existing water well in Sanostee, NM.
AMI Meter Phase II	CGW	Purchase and install Advance Meter Infrastructure.

American Rescue Plan Act (ARPA):

Branch of Engineering attends the Navajo Nation Potable Water Delivery Workgroup monthly and provides updates to the group. BIA Navajo Region completed three (3) contracts for a two-

year term to provide Water Bottles to be purchased and delivered to Alamo, Ramah, and Tohajiilee Chapters. BIA Navajo Region continues to work with the Navajo Nation in providing Water Bottles to communities that need Safe Drinking Water.

Safety of Dams

Tohajiilee Dam rehabilitation project Notice to Proceed to contractor was completed on August 1, 2022, with the period of performance for 270 days. Contractor site mobilization was September 6, 2022. Weekly update meetings are being held.

The monthly BIA Lakewood Central Office, Region Safety of Dams, and tribal staff Early Warning System (EWS) Working Group meetings were held. The purpose is to increase transparency among Central Office, Region, Agency, and Tribal EWS staff, provide program updates and input from staff outside of Central Office. General topics covered were upcoming field work priorities, EWS Training needs such as online training on website, alarms, or any others, videos on training dashboard, future meeting agenda items, and future meetings scheduling.

The BIA Lakewood Office Safety of Dams, Engineering consultant and Navajo Region, Safety of Dams held biweekly meeting/call updates for the Navajo Nation Dams Hydrology/Hydraulics, and Emergency Action Plans updates and Tabletop Exercises. The overall projected completion timeline is end of 2022.

Tohajiilee Dam Emergency Action Plan Tabletop Exercise was held July 27, 2022.

Bi-monthly BIA Lakewood Dam Tender virtual training for tribal staff held July 28, 2022.

Many Farms and Round Rock Emergency Action Plan Tabletop Exercise were held August 17, 2022.

The Navajo Nation Dams EWS upgrades work is still in progress that started the week of June 20, 2022.

The Navajo Nation Dams EWS maintenance work is still in progress.

The Navajo Nation Dams Operation and Maintenance manuals updates are in progress.

Navajo Indian Irrigation Project (NIIP)

Provide ongoing technical assistance and service for the Navajo Agricultural Products Industry (NAPI), such as mediation and guidance between the Navajo Nation and the NAPI. This type of assistance the NIIP office provides is critical to the progress and success of the NAPI.

The NIIP office is working on developing a new Records File Inventory system that organizes all NIIP/NAPI trust records. This system will aid any current or future NIIP employees to acquire all records within the NIIP office.

BRANCH OF REAL ESTATE SERVICES

Mineral Leasing:

Oil and Gas Leases:

Processed the 37½ State of UT for Royalty and Royalty-In-Kind payment for months of June, July, and August 2022. Letters sent to Navajo Nation Controller's office requesting to submit payments to the State of UT office each month.

Processed the Water Usage payment for April thru June 2022 from Chevron Mining, Inc. on the Navajo Nation Lease No. 14-20-0603-8669.

Letter dated August 10, 2022, notified the Navajo Nation on Operating Agreement No. N0-G-1301-1775, was approved to extend the years for the Navajo Nation Oil and Gas Corporation.

Pending the Navajo Nation Response:

- BIA on March 23, 2022, requested recommendation and approval or disapproval on three (3) Application of Permit to Drill (APD) applications, to the Navajo Nation Minerals Department for Tacitus, LLC. Projects Wells Name are: Navajo Tribal U 1A; U 7A and N 2, all within existing oil and gas leases. BIA has not received a response from the Navajo Nation.
- BIA on August 4, 2022, requested recommendation and approval of one (1) APD applications to the Navajo Nation Minerals Department for the Navajo Nation Oil & Gas Company for Well Name: Desert Creek Wash 34-1. BIA has not received a response from the Navajo Nation.
- BIA on August 19, 2022, requested recommendations and approval or disapproval on three (3) APD application to the Navajo Nation Project Review Office for DJR Operating, LLC, Well Names are: BTWU 305H; BTWU 306H and BTWU 721H.
- Requested recommendation on approval of the Designation of Unit Operator (Ismay-Flodine Unit) between Citation Oil & Gas, Inc. and Tall Dunes Resources, LLC.

Solid Minerals Leases:

Monthly conference call meetings with the Office of Surface Mining Reclamation and Enforcement (OSMRE), Navajo Nation Solid Minerals, Bureau of Land Management (BLM) and BIA staff on any update or issue information on the Navajo Transitional Energy Company (NTEC), Chevron Mining, Inc and Peabody Western Coal Company (PWCC).

BLM (AZ) Quarterly inspections schedule for:

- Kaibeto Resources Inc. - the Sand and Gravel lease expired. Kaibeto Resources, Inc. is doing reclamation on the gravel pit. BLM (AZ) office representative visited the site when the reclamation started in August 2022.
- OSMRE had an inspection for Phases I and II Bond Release at PWCC - August 30, 2022, on J7: J27, N6 and N10 locations. Representatives from OSMRE, Navajo Nation, Hopi Agency, BLM (AZ State) attended the inspections.
- Attended meeting on the inspections with OSMRE, Navajo Nation, BIA, Hopi Agency, BLM (AZ State) and PWCC representatives on August 31, 2022.
- Attended the Wheatfield Gravel site inspection on September 1, 2022. Site is being reclaimed.

- Attended the Nazlini (Emma Brown) gravel pit site inspection – on September 1, 2022. Site location is good.

Surface Leasing and Mortgage:

Twenty-nine (29) New Residential Leases and 575 Mixed Residential Leases (new/modification and amendment) were processed. Five (5) Title Status Reports (TSR) were requested and submitted for leasehold mortgages. We reviewed and recorded four (4) Release of Mortgages.

Thirteen (13) Business Site Leases were processed.

Conducted two (2) field inspections:

- Navajo Nation Market Shopping Lease No. FD-93-16; and
- Navajo Agricultural Products Industry Lease No. SR-98-150 aka Star Ranch Store Business Site Lease

Lease was in non-compliance for failure to comply with the National Environmental Policy Act (NEPA) and the removal of above ground storage tank with notification to the NEPA office. Completed the removal and cleaning on May 25, 2018. Presently, the lease is active, and the site is completely vacant/clean.

H &R Block aka Rodney Takumi, Lease FD-02-205, final release by letter on the Certificate of Deposit/Consumer Time Account.

Navajo Tribal Utility Authority (NTUA) Cameron Solar Lease Project: Research of ownership records were made within TAAMS, BLM Land Records and Coconino County Assessor Records. We are researching files at the Coconino County Assessor Records and working directly with NTUA and the Navajo Nation.

Rights-of-Way (ROW):

Questar Pipeline ROW and Microwave Tower Site: ROW expired under its own terms in February of 2022. Questar, NTUA and Navajo Technical University worked out an agreement where all assets of the ROW will be transferred to both tribal programs. All future operations of the pipeline situated on tribal land will need tribal approval through the tribe's approval system. Pipeline crossing Indian allotments lands will need the BIA approval.

Consultation with Tucson Electric Power for proper platting and legal descriptions were outlined to meet the overseeing state standards and recording requirements.

Cadastral Survey:

Continued working with all three State Offices – BLM (AZ, NM, and UT) and the Navajo Nation Land Department (NNLD) on all on-going, pending and scheduled. Various research continued with agencies on land status, boundary issues, and field inspections on Navajo Tribal Trust, Allotted lands, and BIA Administrative Reserve Areas.

Summary of Accomplishments & On-Going Cadastral Surveys in all three (3) States:

State Office - BLM	Survey Requests	Approved Surveys	Pending Approval	Final Inspection	Field To DTRO	Completed Cases
ARIZONA	2	3	4	1	1	1
NEW MEXICO	3	1	3	3	0	0
UTAH	2	1	4	0	1	1
TOTAL	7	5	11	4	2	2

AZ/NM/UT-BLM Agreements & Modifications on Funding: Approved three (3) modifications for all three (3) State Offices, to continue with all on-going and new cadastral surveys on Navajo Tribal Trust & allotted lands.

Arizona:

- T32N, R27E, Canyon De Chelly North – field survey completed & still pending review and approval
- Approved surveys: T30N, R12E (east of Tuba City)
- T22N, R16E (Birdsprings) – field survey in progress.

New Mexico:

- Subdivision of Section 9, T19N, R5W (Star Lake): Field inspection was conducted on 6/2/2022 and now pending final review and approval. New corners were re-established and there is no potential trespass on the allotment.
- Pending surveys on T13N, R18W (Breadsprings and T29N and T30N, R17W and R18W (Shiprock Townsite).

Utah:

- Field surveys are in progress and should be completed by end of the summer for: 1) T41S, R23E, SLM, UT and Red Mesa area on 2) T43S, R20E, SLM, UT.
- T42S, R15E (Oljato) – Final inspection is scheduled, and final review/approval is still pending.

New Priority lists sent to NNLD for further review and approval for FY2022/2023/2024.

- T30N, R12.5E (Old Coalmine Mesa) – Final review and approval is pending.
- T30N, R12E (Old Coalmine Mesa) – Approved on December 8, 2021, and received for distribution.
- UT: T43S, R25E: Field inspection is pending with BLM Surveyors and final review is in progress.
- UT: Monument Valley Park Area boundary of AZ/UT State Line will be scheduled in the summer of 2022.

Completed 19 of 25 townships and now pending recording with the Division of Land Titles and Records (DLTR). There are still 21 new townships needing review and verification on land status for recording.

Continued with review on all approved cadastral surveys in AZ/NM/UT (AZ-388; 161-NM and 56-UT), 5 agencies, total of 605 townships. Review and verifications made recording with DLTR.

Parcel #15 on the former Wingate Army Depot Land: Field inspection scheduled for the week of September 26th with Navajo Region.

Cameron Cemetery Site: New site inspection is still pending with Cameron Chapter and Navajo Nation Historic Preservation (NNHPO) and will be scheduled in the fall of 2022. The community cemetery site is located on an allotment and in potential trespass without a lease or permit. The NNHPO was notified on the issue and still pending to conduct the site assessment.

Unresolved Rights:

A field inspection was conducted on a potential trespass within ENA, which resulted with no trespass. A letter to the landowners is being drafted on the report of findings.

AZ Silica & Sand Company Cash Bonds: Issue with environmental and reclamation issues. Once the review is completed next steps will be taken by our office for release of the bond to landowners or for reclamation.

Armand Ortega Potential Trespass: Continue with reviewing records and sorting on illegal billboard signs along I-40 near Lupton to Sanders, AZ.

Impact Aid Requests:

Hozho Academy School: FY2021/2022 on School Impact Statements on 60 Navajo Students. Review is completed on land status verifications for Navajo Tribal Trust lands, allotted lands, and BIA Administrative Reserve Areas. Project is now pending more clarifications from the applicant on students living within Government Reserve site.

Gallup McKinley County Schools District on School Impact Statements: Review completed for 33 of 34 Navajo Chapters on land status verifications of Navajo Tribal Trust lands, Allotted lands, and BIA Administrative Reserve Areas, totaling 9,000-10,000 Navajo Students.

Acquisition and Disposal:

Fort Wingate Legislation: Public Law 114-328: Section 2829F Return of Certain Lands at Fort Wingate NM to Original Inhabitants. Total acreage 1700.53 acres completed; six (6) Parcels; Patent recorded. Continuing administrative field research to identify boundaries while collaborating with NM BLM. Subsequent fieldwork planning in collaboration with Department of the Army and NM BLM. Discussion initiated with Department of the Army on two (2) Parcels that previously conveyed by Public Land Order in 2001. Formal letters to the Navajo Nation were submitted Notification of Election; no response to first letter; second (2nd) Notification of Election sent.

- Collaboration with NM Department of Transportation, U.S. Department of the Army in discussion and necessary action for active Flood Cleanup along Parcel 15.
- BLM to complete assessment and investigation of parcels returned to the Navajo Nation for boundary identification pursuant to Public Law 114-328, Section 2829F.

Rolling Mesa: San Juan County, near Farmington, NM; approximately 67.39 acres. In May of 2022, the Navajo Nation submitted an updated Environmental Impact Statement (EIS) Phase 1, as well as a final Environmental Assessment (EA). The new reports are currently under review to ensure compliance with NEPA.

Chinle Agency

Thirty-two (32) Navajo Nation leases were submitted and recorded, two (2) lease modifications were received for processing and two (2) Mutual Termination requests were received for processing.

Staff completed review on three (3) Business Site Leases for compliance as well as issued TSRs as requested.

Fort Defiance Agency

ROW:

NTUA: EA submitted for review for the proposed Dilkon Pass Booster Station and Water Line Replacement. Proposed project to upgrade existing water line to increase carrying capacity to serve new hospital and to add a new booster station and check valve.

Provided land status, TSR, land index report, name, and address report for two (2) proposed power line extension with fiber optic cable projects crossing.

Service Line Agreement (SLA):

NTUA: Reviewed the SLA to serve client within St. Michaels Chapter with a power line extension. Upon further research, the proposed tap is from existing power line on Navajo Tribal Trust land resulting in a ROW.

Navajo Nation Approved Leases:

Homesite Leases Received: 21

Homesite Leases Recorded: 57

Allotment Residential Leases:

Residential lease within Houck Chapter approved July 29, 2022.

Request Appraisal of Fair Market Rent for four (4) proposed residential leases.

Request for Biological Resources Compliance Form from Navajo Nation Department of Fish and Wildlife for six (6) proposed residential leases.

Consent form packages were sent to applicants for four (4) proposed residential leases.

Business Site Leases:

Sandia Oil Company, Inc. - Assignment package received from Navajo Nation Fort Defiance Regional Business Development between Sandia Oil Company, Inc. And Medicine Child, LLC. Requested and received the Categorical Exclusion Exception Review (CEER) Checklist for assignment and assumption of lease. Research being conducted on collateral assignment between Sandia Oil Company, Inc., and First Capital Bank of AZ to ensure release of collateral assignment or to ensure assignment between Sandia Oil Company, Inc. and Medicine Child, LLC has been concurred by the Lender First Capital Bank of America

AZ Department of Safety - AZ Highway Patrol requested a copy of Revocable Use Permit, Tribal Resolutions, and Exhibit A survey plat and legal description of communication site located on Piney Hill.

Title Status Reports (Mortgage Purpose):

Two (2) certified TSRs received and sent to lenders for lessees located in St. Michaels and Coyote Canyon Chapters.

Special Projects:

Chinle Agency Administrative lands – A certified legal land survey has been requested to BLM to conduct a cadastral survey of lands being returned to the Navajo Nation. Project has been added to BLM AZ Office Priority Listing for FY2023. Project is on-going.

Shiprock Agency

Department of Energy (DOE), Defense-Related Uranium Mines Program, (DRUM) – RSI EnTech, LLC, DOE Contractor, submitted a request for land ownership information for 205 uranium sites to enable DOE to obtain consent to access the sites. Provided land ownership information for the 205 uranium sites; 191 sites located on Navajo Tribal Trust lands; nine (9) sites located on Allotted lands; two (2) sites located on public domain land in Utah (Bears Ears National Monument); two (2) sites located on private land (one (1)-AZ; one (1)-NM) both Railroad Grant Patents; and one (1) unable to determine land status as no legal description provided.

UT Water Settlement –Received a request for Navajo UT Allotment landowners contact information to enable the UT Water Settlement Federal Team to provide Navajo UT allottees information regarding the settlement. Provided the information requested for 63 Navajo Allotments located in UT.

ROW:

NM Department of Transportation – ROW application package for US 64 (AZ/NM Stateline to Mile Post 8.1) received on September 14, 2022. Document is being reviewed to ensure all requirements are met.

Sand and Gravel Lease (S&G):

Navajo Engineering and Construction, Teecnospos Gravel Pit –lease pending approval of mining plan and updated EA. BLM representative to provide BIA with most recent revised mining plan and BLM's request for modification. BLM will also schedule a meeting with Navajo Region, Branches of Environmental Review and Compliance and Real Estate Services to discuss EA.

Apache County Carrizo Pit, Teenospos - BIA has not received the updated lease application package to date. The initial lease package was returned to Navajo Nation Minerals Department as an incomplete package, Apache County had not submitted the required bond. Apache County advised they would further negotiate with the Navajo Nation to waive royalties and reduce bond.

Navajo/Ute Mountain Ute Boundary – Real Estate Services staff joined Honorable Rickie Nez and Shiprock Natural Resources staff on August 25, 2022, to meet with a tribal member concerned about the boundary. Obtained information on the concerns, boundary issues stem from boundaries identified in treaties to both tribes as well as the NM/CO State line.

Red Valley Day School – issue regarding the availability of water to the school. Met with NTUA and Navajo Region Facilities Management (NRFM) on September 14, 2022, to discuss options

to alleviate the problem. Outcome of the meeting was an agreement for NTUA to construct a waterline under an SLA from NTUA's main waterline to BIA's waterline located within the school property. NTUA and NRFM are coordinating efforts to accomplishment this task.

Leasing:

Participated in a ZOOM meeting on August 24, 2022, with the Navajo Nation Division of Economic Development and Office of the Controller, Accounts Receivable. Provided a presentation on lease performance bonds including the purpose of performance bonds, and an overview of data being collected from the five (5) BIA, Navajo Region agencies.

Navajo Nation approved Business Leases:

EVZWK, LLC (Shiprock Funeral Home) received for recording.

TSRs:

Provided certified TSR to San Juan Title Company.

Homesite Leases:

Request from the Shiprock Land Office to research records for homesite leases for four (4) named individuals; three (3) were located and provided to Shiprock Land Office. No homesite found for the fourth party.

BRANCH OF PROBATE

The Branch of Probate and Estate Services prepares cases for individual Indians that hold trust assets by completing the family history of the decedent and compiling all documents required by the Office of Hearings and Appeals (OHA). Research is completed by contacting the family members of the decedent by means of home visits, searching internet, telephone interviews, writing letters and office visits. The majority of family research work is in conjunction with the Navajo Nation Vital Records Office.

The ongoing conditions with COVID have increased the number of cases for all the Agencies. Also, it has created a hardship of not being able to conduct outreaches which have slowed our progress of case preparations for submission to OHA.

During the Fall Quarter, there were ninety-nine (99) cases prepared and submitted to OHA for adjudication, of those, thirty-seven (37) were by Eastern Navajo Agency, forty-four (44) were by Fort Defiance Agency, and eighteen (18) were by Shiprock Agency.

In this quarter, there was a total of two hundred and twelve (212) new deaths reported, with one hundred and ninety-seven (197) resulting in new cases being created to be researched. Most cases were reported by the Eastern Navajo Agency (93) and the Fort Defiance Agency (71).

We were able to have ninety-five (95) cases adjudicated this quarter, which are currently being processed to disburse the trust assets. As of the end of this quarter, we have a total of 7,065 active cases being processed at some level. Currently, there are 314 cases eligible for closure, of those, 255 have finished the disbursement of the trust property (89.16%) and 244 have completed the disbursement of the trust personalty (94.21%).

INDIAN SERVICES

BRANCH OF INDIAN SELF DETERMINATION

The Bureau of Indian Affairs (BIA) Navajo Region (NR) Branch of Indian Self-Determination (ISD) continues to work with Navajo Nation's (Nation) twenty-two non-construction, seven Subpart J Construction and five other tribal organizations Contracts under Public Law (P. L.) 93-638. This quarter all available Fiscal Year (FY) 2022 Contract Support Cost under the Continuing Resolution 1, 30-Day Apportionment, and final balance of the Full Year Appropriation was awarded. In addition, all one-time funding for projects and FY 2022 Housing Improvement Program funds were distributed to the Nation's and Tribal Contractors' P.L. 93-638 Contracts, see Table 1 below. Two tribal organizations' School Year (SY) 2022-2023 Successor Annual Funding Agreement Proposal were approved and SY 2022-2023 funding awarded. All contractors provide services to the communities and other contractual activities, in accordance, with their Scope of Work (SOW) and budgets. All funds awarded entirely benefit the Nation.

Table 1 -Public Law 93-638 Contracts Funding Allocations

The Navajo Nation Program		Amount
A18AV00235	Adult Detention Program	2,713,954.00
A18AV00236	Juvenile Detention Program	1,190,217.00
A18AV00262	Forestry Management Program	199,286.00
A18AV00338	Water Development Program	132,124.00
A19AV00376	Indian Child Welfare Act	298,557.00
A20AV00139	Water Monitoring & Inventory Program	673,552.00
A21AV00001	Natural Heritage Program	182,947.21
A21AV00002	Fish & Wildlife Program	357,825.00
A21AV00003	Social Services-(SS) Depart. Family Services Program	1,484,017.00
A21AV00004	Johnson O'Malley	229,649.00
A21AV00140	Law Enforcement -Criminal Investigations	1,629,727.00
A21AV00186	Law Enforcement – Patrol Services	6,790,946.00
A21AV00383	SS-Department of Family Services Program	86,313.00
A21AV00384	SS-Family Assistance Services and Assistance Program	301,279.00
A22AV00148	Higher Education Program	660,688.00
A22AV00149	Environmental Archaeological Services Non-Roads	265,622.00
A22AV00150	Tribal Enrollment Program	263,718.00
A22AV00151	Tribal Courts Program	694,155.00
A22AV00381	Safety of Dams Program	266,000.00
A22AV00588	Housing Improvement Program	1,710,641.00
	Total	20,131,217.21
Tribal	Organizations	Amount
A19AV00739	Alamo Navajo School Board Inc.	13,498.00
A21AV00158	Navajo Agricultural Products Industry	2,491,296.00
A19AV00984	Dine Bi Olta School Board Association, Inc.	290,219.00
A21AV00486	Rock Point Community School	4,395,497.52
	Total	7,190,510.52
	GRAND TOTAL	27,321,727.73

In addition, the Awarding Officials (AO) and Awarding Official's Technical Representative (AOTR) are conducting Calendar Year 2022 monitoring visits for P. L, 93-638 Contracts. The monitoring visits have been conducted virtually, due to the COVID-19 Pandemic.

Awarding Official Technical Representative (AOTR) Activities provide programmatic and administrative support as trained/designated by the Awarding Official's (AO) for a specific P.L. 93-638 contracts.:

P.L. 93-638 Contractual Program, Tribal (Census) Enrollment program Contract, A16AV00285:

On September 22, 2022, the Calendar Year (CY) 2022 Monitoring review visit was conducted virtually for the Nation's Tribal Enrollment Program Contract numbers: A16AV00285, A19AV00373, and A22AV00150 for Shiprock Field Office. The AOTR, AO and Nation's Program Manager, Navajo Office of Vital Records, and Identification (NOVRI) and Office of Management and Budget staff participated.

On September 7, 2022, the BIA, AOTR completed the BIA monitoring preparation process in coordination with the Program Manager, Navajo Nation NOVRI program, the BIA Awarding Official and officially notified the Navajo Nation of the CY 2022, Annual Contract monitoring for Navajo Nation, P.L. 93-638 Contract Nos. A16AV00285, A19AV00373, and A22AV00150, through a virtual meeting due to the COVID-19 pandemic.

P.L. 93-638 Contractual Program, Tribal Courts program, Contract A17AV00252:

On September 9, 2022, the AOTR inquired on the scheduling of the Public Law 93-638 contract monitoring review for Fiscal Year/Calendar Year 2022 for Tribal Courts program. The BIA recommended to conduct a virtual monitoring for CY 2022, due to COVID-19 pandemic and for the health and safety of employees.

On August 10, 2022, the AOTR processed the purchase requisition in the amount of \$73,074.00. These funds are made available pursuant to H.R. 2471/Public Law 117-103 consolidated appropriations Act, 2022 (Mar. 15, 2022). Funds are available through their period of availability.

P.L. 93-638 Contractual Program, Higher Education, Contract A17AV00096:

On August 29, 2022, the AOTR, in coordination with the Program Manager, Higher Education office and Records Information Management Specialist, BTFA, coordinated the Nation's HE requests on archiving 154 boxes to the American Indian Records Repository, Lenexa, Kansas.

On September 1, 2022, the Program Manager, HE confirmed, the 154 boxes of inactive records were shipped by Fed Ex. The AOTR, BIA covered the shipping costs to the AIRR, Lenexa, Kansas. The AOTR and Records and Information Management Specialist continues to provide technical assistance as requested by the program regarding Records Management.

On August 25, 2022, the AOTR completed the BIA monitoring preparation process in coordination with the Program Manager, Navajo Nation Higher Education program. the BIA Awarding Official and officially notified the Navajo Nation of the CY 2022, Annual Contract monitoring for Navajo Nation, P.L. 93-638 Contract Nos. A22AV00148, through a virtual meeting due to the COVID-19 pandemic. The virtual monitoring is scheduled on October 19, 2022.

H P.L. 93-638 Contractual Program, Housing Improvement Program, Contract Nos. A16AV00407 and A20AV00003:

Contract A16AV00407 – FY 2016 – 2018 Housing Improvement Program (HIP): This Contract remains to be officially closed out.

Contract No. A20AV00003 – FY2019 – FY 2021 – This Contract was extended from 12/31/2021 to 12/31/2022 and is in compliance with reporting requirements. Construction activities are back on track after the height of the COVID-19. This Contract contains the American Rescue Plan Act (ARPA) funds that intends to purchase modular homes for its applicants. To fully expend funds of \$14,176,074.25, the Nation may need to fast track a Contract for the modular homes and construction of the proposed nine homes to be constructed using FY2021 funds and/or extend the Contract to 12/31/2023.

Current activities include: FY2019 – construction activities completed; FY2020 – construction activities on-going; FY2021 – BIA NEPA review for Categorical Exclusion determination was completed; Nation HIP is currently reviewing ARPA applications and determining project recipients.

Fiscal Year (FY) 2022 – Contract No. A22AV00588, was awarded in the amount of \$1,710,641, which is the final FY2022 funding allocation. Contract documents (SF-26) were sent to the Navajo Nation President on September 15, 2022. The Tier II proposes nine applicants will receive replacement housing with FY2022 funding.

HIP Administration: The BIA HIP Program Officer and Nation's Housing Program Manager communicate via email and telephone regarding all HIP program matters. No in-person meetings have taken place due to COVID-19.

P.L. 93-638 Contractual Program, Fish and Wildlife Management Program, Contract Nos. A16AV00335 and A21AV00002:

The Bureau of Indian Affairs (BIA), Navajo Region (NR), Branches of Indian Self-Determination, and Natural Resources will conduct the CY 2022 monitoring visit review of the Nation's Fish & Wildlife Management Program P.L. 93-638 Contract Nos. A16AV00368 and A21AV00001 in late October 2022.

The AO recommended the Nation's s Fish & Wildlife Program to spend the unobligated federal fund balance of \$6,777,162.67. The One-Time funding is to develop the Nation's Agriculture Resource Management Plan (NNARMP) with an Environmental Impact Statement (EIS). The Nation's Fish & Wildlife through a P.L. 93-638 Contract will be preparing the NNARMP with an EIS to meet NEPA compliance for the approval of Nation's Grazing Permits.

In addition, the Nation's Fish & Wildlife Program received \$3,000,015.00 for upgrades to the Nation's Fish Hatchery in Toadlena, NM. The Fish Hatchery is the primary source for Rainbow Trout for recreational purposes on the Navajo Nation. The hatchery currently provides Rainbow Trout for recreational fishing at five lakes (Wheatfield, Tsaile, Asaayi, Cutter, and Berland). The Scope of Work for the Hatchery is Design/Build and only the design portion may be added to

the current P.L. 93-638 contract. The Build (actual ground disturbing construction) will need to be in a Subpart J Construction Contract and BIA NR Branch of Engineering will be assisting with this portion of the proposal.

P.L. 93-638 Contractual Program, Natural Heritage Program, Contract Nos. A16AV00368 and A21AV00001:

The BIA NR Branches of Indian Self-Determination, and Natural Resources will conduct the CY2022 monitoring visit review of the Nation's Natural Heritage Program P.L. 93-638 Contract Nos. A16AV00368 and A21AV00001 in late October 2022.

P.L. 93-638 Contractual Program, Forestry Management Program, Contract No. A18AV00262:

The BIA Branch of Forestry continues to process multiple timber cutting permits that are received from the Nation's Forestry Department. The primary requests received are for permits associated with infrastructure projects being done within the Nation by their water or other utility authorities. During this quarter, 7 permit packets were received; 2 were reviewed and forwarded for signature approval while the other 5 are pending initial review. The approved permits were provided to the Nation's Forestry Department to administer and no additional requests to review permit packets were received as of time of report.

On August 29, 2022, BIA received a request from the Nation regarding the status of the Timber Use Policy. The BIA Branch of Forestry responded that a formal letter dated April 6, 2022, was provided to the Nation's Forestry Management Program (FMP) requesting to continue collaboration on the Timber Use Policy Statement. The letter stated that "The BIA NRO Branch of Forestry wants to continue the collaboration with the Nation's FMP to amend and finalize the draft Timber Use Policy Statement (TUPS). This will ensure the TUPS adequately resolves current Forest Product Harvest issues and concerns, while aligning with the IWMP and the Navajo Forestlands Integrated Resource Management Plan." In addition, BIA staff attended the Nation's Regulatory Review Working Group meeting held on August 10th to update all in attendance on this matter as it seems to have stalled due to the Nation's Forestry Department being unresponsive.

A memorandum dated July 5, 2022, with subject line "End of Fiscal Year (FY) Forestry Reports, FY 2022" was received from the Bureau of Indian Affairs' Director. The memorandum was formally forwarded via letter dated July 8, 2022, to the Nation's Forestry Department, to prepare the requested reports by a due date of October 3, 2022. The Nation's Forestry Department currently contracts all forestry functions under a P.L.93-638 Contract. Because of this obligation, the NR Branch of Forestry relies on the Nation's Forestry Department to develop and furnish these reports, to be submitted on behalf of the NR to Central Office, Office of Trust Services, Division of Forestry and Wildland Fire Management.

The NR Branch of Forestry received memo dated June 7, 2022, from the BIA, Division of Forestry and Wildland Fire Management (DFWFM) announcing it is providing Tribes the opportunity to submit Portable Milling Infrastructure Proposals. This opportunity is intended to increase the ability of the receiving Tribe to harvest their Annual Allowable Cut and to add value to their forest

products. The NR Branch of Forestry notified the Nation's Forestry Management Program (FMP) of this opportunity via letter dated June 21, 2022, and a response was received on June 29, 2022. The response included their proposal in the format that was requested by the DFWFM. As directed within the DFWFM's memo, the Branch of Forestry forwarded the proposal along with memo from the Regional Director that endorsed the submission. Response to the proposal is anticipated prior to the end of Fiscal Year 2022.

The AO forwarded the CY2022 Contract Monitoring Plan and Questionnaire to the Nation's Forestry Management Program (FMP), which is an annual requirement under the current P. L. 93-638 Contract, via letter dated August 1, 2022. The questionnaire is directly associated with the components contracted to the FMP via the current P. L. 93-638 Contract Statement of Work (SOW). The questions were developed so that the FMP's responses reflect deliverables and lessons learned for the components contracted during calendar year 2022. The Calendar Year 2022 ACMQ and supporting documents were received from the Navajo Nation via formal correspondence on August 31, 2022. The ACMQ is being reviewed by the Awarding Official's Technical Representative (AOTR) for completeness and to validate the responses provided. After this review, the AOTR will submit his findings and present to the Awarding Official to determine if additional information is needed.

Branch of Forestry staff coordinated with Indian Self Determination (ISD) staff to provide the forestry funds to the Navajo Nation Heritage and Historic Preservation Department's (NNHHPD) current 638 contract. A statement of work (SOW) was received from the NNHHPD staff to award the funds into the contract during the week of September 19, 2022. The ISD staff was provided this SOW and will work to expeditiously process this award.

A request from the BIA, Branch of Forest Resources Planning (BOFRP) staff was received on September 14, 2022, to provide update on the Navajo Continuous Forest Inventory (CFI) project. A response was provided on same date from the Navajo Region, Branch of Forestry, that the Navajo Regional Office is in the process of assessing the raw field data that was submitted by the Navajo Forestry Department. Upon completion of this initial review, a determination would be made as to whether field inspections are to be scheduled or not. A response with this determination will be provided back to the Navajo Forestry Department through formal correspondence from the BIA, Self Determination Office.

HUMAN SERVICES

Government Performance Results Act (GPRA)

For this Fiscal Year 2022, the Navajo Nation Department of Social Services set its annual target goal at 69% for their 1811 Performance Measure. This measurement is the number of Individual Service Plans (ISP) developed by the caseworker and the number of ISP's set by the client and met. Due to the Pandemic, the Nation has had challenges in recruiting new clients to apply for General Assistance and in monitoring their progress. Throughout the Fiscal Year, the cliental grew with each quarter The goal of this measurement is to obtain self-sufficiency.

The Government Performance and Results Act (GPRA) is a law enacted in 1993 designed to improve government performance management. This GPRA required agencies such as tribes to engage in performance management task and set goals, measure results, and report their progress. Timely submission and accurate data reporting is important. It also assists the

government to make a case for potential program funding increases and advocacy for such programs.

Indian Child Welfare Act (ICWA)

The Navajo Regional Office, Branch of Human Services continues to receive and process ICWA Notices received by the State(s). For this Quarter alone, there were 89 ICWA notices that were received and processed by our office. These ICWA Notices provides notification a child(ren) has been taken into custody by the State and the Navajo Nation is being notified of these proceedings and if the Nation chooses to intervene in the case proceedings.

The ICWA of 1978 is a federal law that governs the removal and out-of-home placement of American Indian children. The law was enacted after the Federal Government recognized that American Indian children were being removed from their homes and communities at a much higher rate than non-Native children.

Other activities

Although, we are hindered by the Pandemic, the Branch of Human Services continues to remain available for Technical Assistance when a request is submitted by the Navajo Nation. If there is a request for training from the Navajo Nation, our program will fulfill the training request, in accordance with the scope of work and as contracted under the P.L. 93-638 for the Social Services and the Indian Child Welfare Act Programs.

October is Domestic Violence Awareness Month. This year's campaign theme is **#Every1KnowsSom1**, it strives to highlight how common domestic violence is and that it is more than physical violence. We encourage everyone to participate in a Domestic Violence Awareness activity in your community and support the efforts it promotes.

BRANCH OF ENVIRONMENTAL MANAGEMENT

The Branch of Environmental Management (BEM) and the Branch of Environmental Quality Act Compliance (BEQACR) programs continue with the progress of environmental projects for the Navajo Nation.

Shiprock Administrative Reserve (SAR):

For this Quarter, the abatement and demolition of the remaining Shiprock Administrative Reserve (SAR) buildings project was assigned to the Navajo Region Facility Management (FM). The progress of this project is subject to the funding from the Division of Facility Management and Construction (DFMC) Albuquerque office.

In the previous quarter, the BEM responded to the inquiry on three (3) abandoned houses located along U.S. Highway 64. BEM contacted the Bureau of Indian Education (BIE) Facility Manager on the ownership of these abandoned buildings, as these buildings were not listed on the BIA Property inventory. On March 21st, the BIE FM reported these abandoned buildings identified as #130 and #132-2 belong to the Indian Health Service (IHS) and provided a contact. Therefore, the abandoned buildings can't be included into the BIA contract for abatement or demolition as the responsibility belongs to IHS.

Sanostee Land Transfer: The ASTM 1527 Environmental Site Assessment (ESA) Phase I and II have been completed. The next step is the cleanup of the environmental hazards confirmed in the ESA Phase II sampling. The site has remaining environmental hazards, demolition debris onsite and remaining concrete building casings which require removal before the land is transferred back to the Navajo Nation. The BIA Navajo Region submitted a letter of the status to the Navajo Nation in July 2022. Recently BIA received a letter from Sanostee Chapter officials on land use once it is cleaned up.

Chinle Agency Land Transfer: A contractor has been selected to conduct the ASTM Environmental Site Assessment (ESA) Phase I and Phase II for this site. The Notice to Proceed will be issued by the BIA, once a pre-site meeting has been conducted with the contractor in October 2022.

Sheep Dip Vats (SDV): In FY 2021, BEM worked with the Navajo Nation Superfund Program to sample three former Sheep Dip Vat (SDV) site. Two of the SDV sites are in the Chuska Mountains which are Blacksprings and the Toadlena SDV sites. The other SDV site is in Twin Lakes. The primary contaminates of concern at each of these SDV sites is toxaphene, the hazardous substances once used as pesticide for livestock dipping vats to remove ticks and parasites on livestock.

BEM plans to remove the contaminated soils and structures located at the Black Springs and Toadlena SDV sites in late October 2022. Twin Lakes SDV remaining structures will be removed in early November 2022. All the cleanup actions are dependent on the weather conditions that may impact travel to these sites located in the Chuska mountains. BEM will continue working with the Navajo Nation Environmental Protection Agency Superfund Program and report the locations of these former SDV sites to the Navajo Nation Land Department.

Safe Drinking Water Act (SDWA)-Drinking Water: The BEM Safe Drinking Water Act program continues to conduct the monthly and the quarterly drinking water sampling for Bureau of Indian Education (BIE) schools to maintain environmental compliance. The drinking water sampling is conducted to comply with the Navajo Nation Environmental Protection Agency Public Water Supervision Systems Program (PWSSP) and U. S. Environmental Protection Agency (EPA) Region IX annual sampling scheduled. For this Quarter, the FY2022 bacteriological analyses were completed and submitted to the regulatory agencies. All the data were absent of Total/Fecal Coliform and E. coli bacteria. There were several schools drinking water that tested positive for Total/Fecal Coliform due to the non-use of water during the summer. BEM provided guidance with assistance from PWSSP to these schools to flush the water systems and re-test. Public notification was also issued in this instance until the test results showed negative for Total/Fecal Coliform.

Other SDWA requirements are the completion of the Consumer Confidence Reports (CCRs) for the BIE Education Resource Centers located in Arizona and New Mexico. The CCRs are annual drinking water quality reports that provide information to the schools or customers. BEM also completed with the schools to collect the FY2022 Disinfection By-Product (DBP), however some schools did not meet the deadline date of August 31, 2022. Schools not meeting the deadline date to generate a Public Notice and submit to Navajo Nation Environmental Protection Agency-PWSSP. The BEM will continue to provide technical assistance on this issue with the schools.

The technical assistance provided by the BEM program ensures all aspects of environmental compliance with the Safe Drinking Water Act (SDWA) for drinking water systems in the BIE schools on the Navajo Nation. Many of the BIE schools within the Navajo Region have well systems that supply drinking water which are maintained under the standards for Small Community Drinking Water Systems. The BEM monitors and reports on the quality of the drinking water in accordance with a SDWA monitoring schedule established annually by the NNEPA-PWSSP and USEPA for sampling. The sampling, testing, and reporting program begins on January 1 through December 31 each year. Currently there are no pending actions related to environmental compliance for BIA or BIE under SDWA.

National Pollution Discharge Elimination Systems (NPDES): Due to the monsoons, reports of potential overflow of BIE lagoons were reported to BIA BEM. BEM provided technical assistance to the schools and provided updates to the regulatory agencies on any overflows. BEM provided the required reports to EPA and Navajo Nation Environmental Protection Agency, National Pollutant Discharge Elimination System Program (NNEPA-NPDES) in response to any incidents. NNEPA-NPDES requested BIA Navajo Region maintain oversight and provide updates on the wastewater facility.

Branch of Environmental Quality Act Compliance Review (BEQACR)
Final Navajo Nation Integrated Weed Management Plan-Programmatic Environmental Impact Statement: The Branch of Environmental Quality Act Compliance Review (BEQACR) submitted the Navajo Nation Integrated Weed Management Plan (IWMP) Final Programmatic Environmental Impact Statement (PEIS) to the EPA Federal Register to be published on Friday, September 2, 2022. This is the final step allowing for comments on the IWMP-PEIS. Upon completion of this step the Record of Decision for the plan will be process and allow for the implementation to utilize the IWMP PEIS.

The Navajo Nation and the public are invited to review the draft IWMP-Final PEIS to provide comments at the BIA Navajo Region's website: www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan by October 4, 2022. The BEQACR office will be the point-of-contact (POC) for the comment period. Comments may be submitted via mail, email, fax, or hand delivery to the BIA Navajo Regional Office in Gallup, NM or Bureau of Indian Affairs-Navajo Regional Office-BEQACR, c/o Leonard Notah, NEPA Coordinator, P.O. Box 1060, Gallup, New Mexico, 87301 or Email: nniwwp@bia.gov, Fax: 505-863-8287

Pesticide Use Proposals: BEQACR reviewed two (2) Pesticide Use Proposal (PUP) applications for the Arizona Department of Transportation (ADOT). The treatments will occur on US HWY 191 between (Milepost 448.22 to 460.36) in Chinle, AZ and Many Farms AZ and US HWY 191 between (Milepost 372.50 to 389.48) between Tsegi Canyon and Kayenta, Arizona. These treatments will allow the ADOT to effectively treat and manage vegetation growth on the highways to provide a safe environment for traveling motorists.

Thompson's Acquisition, LLC. (Thompson's): BEQACR received a request for the approval of a business site lease to build a new gas station with convenience store and laundromat that will serve the needs of the To'Hajiilee Chapter. The proposed project is to construct a new business consisting of a gas station with a convenience store and a laundromat within a business site lease area of 5.00 +/- acres at the intersection of Canoncito School Road (Tribal Road N-56) and

Medicine Horse Drive in Bernalillo County, New Mexico. The review involves National Environmental Policy Act (NEPA) requirements to determine if the project requires a categorical exclusion (CE), environmental assessment (EA) or environmental impact statement\ (EIS).

The Branch of Environmental Quality Act Compliance Review (BEQACR) processed eleven (11) Categorical Exclusions for housing needs and utility installation. These NEPA documents are critical for allowing the approval of home sites and the installation of utility lines for Navajo tribal members.

BEQACR processed 126 Cultural Resources Compliance Forms (CRCF) for the Navajo Nation Heritage and Historic Preservation Department. These NEPA documents are critical for allowing the approval of home sites and the installation of utility lines for Navajo tribal members.

These Navajo Nation projects provided to BEQACR for review helps to move projects forward for the benefit of the communities and tribal members to access running water, electricity, and broadband internet services in their homes as well as approve homesites for the construction of homes.

BRANCH OF SAFETY

Branch of Safety (BOS) completed all Safety and Health annual inspections assigned by Indian Affairs. The annual inspections were completed throughout the following Navajo Agencies: Eastern, Fort Defiance, Western, and Shiprock. BOS inspectors provided inspection findings and reports to Indian Affairs through the Safety & Condition Assessment Portal (S&CAP) data base. Through S&CAP, Facility Management can address Safety deficiencies noted in BOS inspection reports. BOS inspection reports are also provided to various Agencies such as the Office of the Inspector General (OIG) and the Office of Justice Services (OJS) upon request. OIG and OJS conduct site audits on Bureau owned buildings which BOS inspects annually to ensure the health and safety of occupants.

BOS continues to participate on monthly Indian Affairs, Division of Safety and Risk Management Program teleconference calls which includes all twelve (12) BIA Regions and the Bureau of Indian Education Safety Program. BOS provides the following updates of program activities: Safety technical assistance, training conducted, tort claim updates, Worker's Compensation Program and Motor Vehicle records reviews, and annual safety inspections related to the S&CAP system. BOS recently assisted the BIA Western Region Branch of Safety at the request of Indian Affairs which was the latest highlight of the monthly call.

BOS provides ongoing technical support for other BIA Branches who have projects such as projects managed by Facility Management, Environmental, and Fire Management. BOS meets with contractors at the project sites to ensure contractors are complying with safety plans and protocol which also includes compliance with Covid-19 guidelines. BOS makes recommendations to the BIA contracting officer representatives on an as needed basis based on safety evaluations. BOS will continue to monitor BIA projects and will continue to assist other Branches upon request.

BRANCH OF FACILITY MANAGEMENT

The Branch of Facilities is assisting several Bureau of Indian Education (BIE) schools, in providing technical services as requested. There are some future Navajo Region Office (NRO) facility projects that are currently being work on which consist of: roof repair, waterline replacement, replacing Heating Ventilation, Air-Conditioning (HVAC) systems, repairs of water tanks and waterlines, school playground equipment installations, school and BIA demolitions, and school housing street paving. We have some of these projects in construction and/or completed this year. Below are some of the Branch of Facility Management projects taking place.

Quarters Improvement and Repair (QI&R) Employee Housing:

1. Renovating Government Quarters at Wingate High School – is 90% complete
2. Renovating Government Quarters at Nazlini Community School – 100% complete
3. Cove Day School Water Tank repairs- 90% complete but lacking additional funds due to cost overrun.
4. Kin lichee Community School new waterline installed to eliminate need for storage tank-on-going in design development

Minor Improvement and Repair (MI&R) School Locations:

1. Replacement of Sewer Lines at Wide Ruins School – are completed as is the Sewer Lagoon and the project is now closed out.
2. Repaired Elevated Water Tank at Wide Ruins School – was completed and is closed out
3. Playground Equipment Installed at Pine Springs School – was completed
4. Repairing Heating and Cooling System at Shiprock Agency Building – The existing HVAC unit will be completed at the end of this month.

Deferred Maintenance:

1. Shiprock Administrative Reserve (SAR) demolition project for development by the Nation is 90% complete in design and a request for funding will be submitted this week with construction to begin in March of 2023 baring any bad weather.
2. Cottonwood Day School roofing repairs Statement of Work (SOW) complete and we are working on the cost estimate and submitting the project to Division of Facility, Maintenance and Construction (DFMC) this fall for funding. Construction is estimated to begin in the spring of 2023.
3. Tuba City School Streets reconstruction pending additional funds.
4. Pueblo Pintado Housing streets reconstruction design 90% complete in design phase. The project will be submitted for funding this fall with construction in the spring of 2023.
5. Pinon Community School cooling system to six dorm buildings SOW 90% completed and we still lack funding through DFMC.
6. Red Rock Day School installation of 6” waterline from Navajo Tribal Utility Authority (NTUA) service line – SOW 95% complete as we wait for the Solicitor’s review before we prepare a GSA contract with NTUA to perform the work within the next 30 days. Funding will be requested as soon as the contract is completed and DFMC send out the funding.

BRANCH OF TRANSPORTATION

The Bureau of Indian Affairs (BIA) - Navajo Region Branch of Transportation (NRBOT) continues to strive and fulfill its mission to manage the intermodal transportation facilities by maintaining the existing infrastructure for dependability and safety that serves the Navajo Nation and the traveling public. We accomplish this by providing transportation related technical assistance and service, working directly with the Navajo Nation's Division of Transportation (Navajo DOT), as they pursue self-sufficiency and discretion in the administration and operation of the Tribal Transportation Program (TTP).

Road Maintenance:

The Agency Road Maintenance Program, respectively, continues to perform routine maintenance activities on BIA system roads, bridges, and transportation facilities on the Navajo Nation through direct service. Below are some of the road maintenance accomplishments, our Agency Road Maintenance Programs performed during the 4th quarter.

Farmington Field Office (Formerly NIIP Roads):

The Farmington Road Maintenance field staff performed the following activities on various routes within the NIIP area and they are as follows:

- Pothole Patching
- Mowing
- Sign Repair & Maintenance
- Delineator Maintenance
- Road Assessments
- Preventative equipment maintenance & services.

The Farmington Road Maintenance field staff continues to assist Shiprock Agency with various road maintenance activities when requested by the Shiprock Agency Road Engineer.

New Lands Field Office (Nahata Dziil):

The New Lands Road Maintenance field office performed sign repair & replacement, install new roadway delineators, mowing, fence repair and pothole patching for safety. Other maintenance work performed this quarter were road assessments, shoulder work, preventative equipment service & maintenances and general operations (daily reports, online trainings, safety meetings, etc.)

The New Lands Road Maintenance Field Office assisted the Farmington and Shiprock Agencies with vegetation removal, installation of guardrail delineators and sign replacement on various BIA routes.



AFTER: Sign Installation on Route N2011



DURING: Sign Installation on Route N2011



DURING: Mowing Operation



AFTER: Mowing Operation

Shiprock Agency

The BIA Shiprock Agency delayed the moving activities due to replacement of paved road safety apparatus and monsoon rainstorms. The moving activities was scheduled for a two-week period beginning from September 26, 2022, to October 7, 2022, but due to emergency washout response, this activity will be delayed. The move is still at 86% complete.

The Shiprock Agency replaced, repaired, and restored the guardrails on Navajo Route N36 consisting of several sections ranging from 50ft to 1,200ft. While repairing the damaged guardrail sections, other guardrails were being damaged along the route due to accidents. The crew had

planned to replace several feet of guardrails, but due to more recent damages, more materials were ordered and had to wait for the orders to come in. The repairs were completed.

We mobilized to Navajo Route N351 for drainage structure replacements since the existing ones were damaged at the inlets and outlets. Some of the culverts were damaged at the topside. All together there were nine locations where the pipes were replaced due to weather and exposure to the elements throughout the years. During the time the crew was working on the culverts, the seasonal monsoon rainstorms damaged several roadways, drainage structures, and bridge substructures. The crew work and re-worked several roads in Sweetwater Chapter, Rock Point Chapter, Tec Nos Pos Chapter and in other areas as well within the Shiprock Agency. There were several subsequent rainstorms that seemed to occur during a three-month period. The rainstorms are still present as we approach the end of September and the crew have since mobilized to the Sanostee Chapter for N34, N5021, and N5092 washout repairs but since the road assessments are being conducted as of Friday, September 23, 2022, the crew will have to return to the Sweetwater Chapter area and re-work some areas. The agency has depleted its drainage structure stockpiles and will need to order several more to replace some of the structures in various locations.

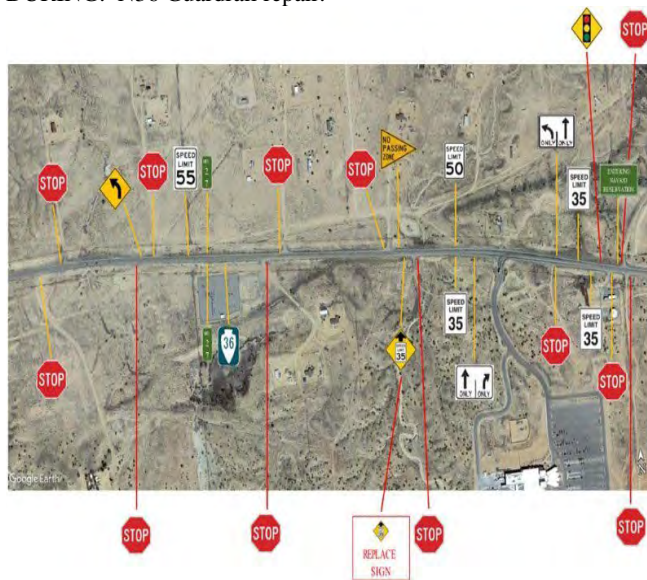
Roadway striping operation began on various routes within Rock Point, Montezuma Creek, Aneth, Beclabito. The striping crew completed the permanent roadway striping portion of the contract and later came back and completed the short line items as listed on the Striping Quantities sheet.

The Shiprock Agency has completed the following activities and they are as follows:

- Route N36 - Replaced and installed permanent roadway signs in accordance with the sign replacement plan beginning from NM371 towards Upper Fruitland.
- Route N364 - Cleaned and removed debris from the cattle guards along Navajo Route N364. The Farmington Section crew also assisted with removal of vegetation along the right of way fencing and in the ditch lines. They also repaired and replaced some permanent roadway signs.
- Routine maintenance work, minor shoulder repairs, and ditch repairs were completed for the following routes: N35, N8008, N8009, N5047, N5049, N5037, N5054, N5043, and N5092. Fence repairs were completed for N13. Permanent traffic control signs were either replaced, installed, or corrected for N36. Cattle guard cleanouts for N35,



N13, N364, N36, and N5. Mowing is in progress for N13 and N33.
DURING: N36 Guardrail repair.



N36 – Permanent Roadway Signs Installation Plan

Western Navajo Agency

The monsoon created washouts, severe erosions, and flooding across the Navajo Nation. The monsoon also caused several road closures across the Navajo Nation. Every Agency including the Navajo DOT and the Counties was involved in with the roadway repairs and repairing washouts to make passable for the travelling public. Attached are some photos of the roadway repairs that the Western Navajo Agency had to work on.

The BIA, WNA-DOT repaired fences on several BIA Routes throughout Western Navajo Agency. The fences were either damaged from vehicles accidents or the local people cutting the fence lines. Attached are pictures of the repair work. Other activities included are cattleguard cleanout and repairs.

Other performed routine blading services on several BIA Routes within each Districts of Western Navajo Agency. Road blading occurred mostly on bus routes and high-volume roads.



AFTER: Severe erosion on various routes.



DURING: Flooding on various routes.



BEFORE: Cattleguard cleanout.



DURING: Cattleguard cleanout.

Chinle Agency

The Chinle Agency Road Maintenance continued their road maintenance activities such as cattleguard cleanout, fence repairs, guardrail repairs, pothole patching, culvert cleanout, reconstructing and cleaning out the drainage ditches and mowing. In preparation for this year's monsoon, we began reconstructing and cleaning out the drainage ditches, clean out culverts and ditch linings. With the partnership of NDOT, Apache County and various chapters, we were able to assist one another in repairing washouts on our BIA roads within Chinle Agency. Our office assisted Western Navajo Agency BOT, Shiprock Agency BOT, BIA – Natural Resources Branch, BIA – Navajo Partition Land Office, Navajo DOT, Navajo County, and the Apache County ranging from transporting their equipment for mobilization, cattleguard cleanout, repairing washouts for the safety of the traveling public.

The Chinle Agency BOT performed routine road maintenance and they are as follows:

- Pothole Patching performed on several routes, such as N12, N7, N27 and N64.
- Guardrail repairs on N64 and N13.
- Repaired ROW fences on Route N4, N41, N8066, N59 and N64.
- Cattleguard repairs on route N8065 and N8069. These cattleguards were full of silt and required the metal grills to be reset for a smoother driving surface. They both were repaired this quarter.
- Cattleguard cleanout on various routes such as N12, N64 and N4.
- Sand, mud and debris removal on earth and paved roads. Accumulated sand bars were removed on paved and earth roads due to the recent high winds on various routes within the Chinle Agency. Monsoon storms caused overtopping of our roadways and we had to remove mud and debris off the roadway for the safety of the public.
- Reshaped drainage ditches along paved roadways within Chinle Agency.
- The vegetation along route N12 was mowed for safety.
- Performed routine blading services on several routes within Chinle Agency, bus routes and high-volume roads are priority.
- Partnering with Chinle Agency - Natural Resources Branch and Navajo Partition Land (NPL) regarding their application of herbicide along our roadways on routes N4, N41, N8066 and N64.

Other maintenance activities include Road Assessments, Daily Reports, Safety Meetings, Equipment Service & Preventative Maintenance on various equipment.



BEFORE: Cattleguard cleanout.



AFTER: Cattleguard cleanout



DURING: N8066- Washout repair.



DURING: N8066 – Washout repair

Ft. Defiance Agency

The Ft. Defiance Agency Road Maintenance (FDA) attended to Emergency Erosion repairs caused by the monsoon. The BIA Maintenance Crew repaired severe erosions which had undermined several roads and the blow sand built at the low water crossings within Fort Defiance Agency for the safety of traveling public.

- The FDA performed the following road maintenance activities, and they are as follows:
- Repairing washouts within Fort Defiance Agency.
- Cattleguard cleanout on various routes. Various cattleguards were cleaned out due to livestock crossing them and straying onto our ROW causing unsafe driving conditions.
- Pothole patching continuously on routes N15, N6, N60 and N112. The pavement continues to fail and making it difficult to repair and continues to be an ongoing issue.
- Mud and debris removal on various earth and paved roads due to monsoon.
- Performed routine blading services on several routes within Ft. Defiance Agency, bus routes and high-volume roads are priority.

Other maintenance activities include Road Assessments, Daily Reports, Safety Meetings, Equipment Service & Preventative Maintenance on various equipment.

EASTERN NAVAJO AGENCY

Branch of Transportation (ENA BOT):

In July, BOT staff performed and completed cattleguard cleaning on N473 in Whitehorse Lake and N52 in Dalton Pass. Staff completed placement of “lights on for safety” signs on N9 East and SR-371 in Tinian. In response to heavy rain, BOT staff completed road reconnaissance on N56 in ToHajiilee. BOT staff also assessed road conditions for heavy rainfall erosion and completed blading the milled area on N55 in Alamo. BOT staff completed mowing on N9 West Crownpoint to District Line. Staff completed blading on N7057 North in Standing Rock. BOT staff transported the motor grader to N473 in Whitehorse to complete blading and the John Deere mower unit to N7062 in Breadsprings to complete mowing. BOT staff completed earth and pavement road reconnaissance for heavy rainfall erosion on N485 & N486 in Casamero Lake, N483 & N489 in Borrego Pass, N482 & N481 in Littlewater, N7049 & N7057 in Standing Rock, N52 in Dalton Pass and N9 East from 371 Junction to Tinian community.

BOT staff completed cattleguard cleaning on N9 West, the cattleguard was filled with mud from recent rainfall. Due to heavy rainfall, BOT completed dirt road reconnaissance on N9652, N7057 and N7141 in Whitehorse and staff found N9652 to be washed out. BOT staff attended a meeting at ToHajiilee School on drainage data & proposed dike alternatives to re-route a drainage away from the school and to prevent future flooding. BOT staff completed fence repairs on N56 in ToHajiilee. BOT staff completed repairing earth routes that had been washed out, flooded and/or eroded by heavy rainfall. BOT staff restored earth route N58 in ToHajiilee, earth route N7114 Little Boy Road, earth route N483 Star Pond in East Borrego Pass, earth route N486 Crow Mesa and earth route N485 in Casamero Lake by backfilling erosions utilizing the motor grader, 950 loader and backhoe. Staff completed removing water ponding on earth route N7059 in Lake Valley. BOT completed routine road maintenance mowing N7062 in Bread springs, N7046 in Jones Ranch, N7140 in Lupton and cattleguard cleaning on N56 in ToHajiilee and N7046 in Jones Ranch. BOT staff replaced a damaged culvert on earth route N46 in Pueblo Pintado. Staff also attended an onsite meeting to assess the bridge and wash channel in ToHajiilee. BOT completed mowing N56 and dirt road assessment in ToHajiilee.

BOT staff completed sign repairs and fence repairs on N9 East in Pueblo Pintado and Whitehorse Lake. Staff utilized the 12G motor grader to blade earth Routes 7136, 43, 7017, and 7130 in the Whitehorse Lake community. BOT assisted the Branch of Natural Resources by transporting equipment to N474 in Ojo Encino. BOT staff completed service maintenance on John Deere Tractor/Mower Unit and repair maintenance on a trailer at BOT maintenance yard. BOT inspected and responded to several erosions, washouts and flooding on Eastern Navajo Agency earth and paved routes caused by scattered showers and monsoons. BOT staff worked to restore damaged routes by draining water and erosion backfill on N11 Mariano Lake and earth route 7008 in Pueblo Pintado West. BOT staff removed excess mud off pavement road N48 in Borrego Pass. A damaged culvert pipe was removed and replaced on earth route 52 in Dalton Pass. These activities support the provision of safe and reliable roads for the public, emergency vehicles, school buses, and commerce.

Standing Rock (Before) - Route 7057



Standing Rock (After) - Route 7057



In August, BOT completed earth and paved road reconnaissance for erosion, washout and flooding caused by recent heavy rainfall. In the Standing Rock community, earth routes 7057, 7122, 7123, 7124, 7126, 7125, and 7049 were ditched/bladed and erosions were backfilled. In addition to Route 7057 in Standing Rock, BOT removed ponding water along the roadway. In the Dalton Pass community, earth routes 52, 98 and 7009 were ditched/bladed and erosions backfilled as well. In the Mariano Pass (Rocky Canyon Road) community, the earth route 11, eroded areas were bladed, and earth route 7054 in Pinedale was ditched/bladed and erosions were backfilled. In the Whitehorse Lake community, earth routes 473 and 92 were ditched/bladed and erosions backfilled. BOT staff completed the road assessment of reported washouts at two locations on earth route 9652 in Whiterock.

BOT staff also addressed a pavement N7140 in Lupton, utilizing a backhoe to remove excess mud off the roadway. BOT completed road reconnaissance on N55 in Alamo and a bridge washout assessment in Torreon. BOT staff transported heavy equipment from White Rock to Whitehorse Lake and completed ditch/blading on earth routes 7017, 7036, and 7004 in Whitehorse Lake. Staff completed ditching/blading on earth route 7054 in Pinedale. Routine road maintenance, consisting of mowing vegetation on sidewalk, was completed on N9 West and in the Crownpoint Community. BOT completed routine road maintenance by mowing vegetation and trees along sidewalk and within right-of-way in the Crownpoint community. BOT then disposed of tree debris at the Thoreau landfill. Due to recent heavy fall, BOT ditched and bladed over exposed rock on earth route 11 south of Crownpoint and completed a washout repair on earth route 7124 in Standing Rock. BOT also completed blading on earth route 7125 in Standing Rock and earth routes 52 and 98 in Dalton Pass. BOT addressed monsoon rainfall by completing washout repairs on earth route 9652 in White Rock and removing mud silt off paved road N7140 in Lupton.

BOT transported heavy equipment from Lupton to Whiterock to effect road repairs. BOT completed routine road maintenance cleaning cattleguard on N7140, along with ditch/blading on earth route 93 in Borrego Pass and earth route 486 in Casamero Lake. BOT completed a project to install speed bumps on paved road N273 in Breadsprings. BOT completed ditch/blading on

earth route 486 in Casamero Lake and earth route 50 in Mt. Powell. BOT staff completed minor erosion backfill repair on earth route 7154 in Standing Rock. BOT staff completed reconnaissance for sign, fence, and potholes on N7046 and N7140 in Jones Ranch. Staff transported heavy equipment to ToHajiilee and completed sign and fence repairs on N56. BOT staff completed equipment repairs to the dump truck and serviced heavy equipment. These activities support safe and reliable roads for the public, emergency vehicles, school buses, and commerce.

In September, BOT completed a cattleguard installation on N49 in Mariano Lake. Road maintenance completed included blading on earth route N55 in Alamo in addition to Routes 11, 7111, and 7113 in Mariano Lake. BOT staff removed vegetation and trees along sidewalks in the Crownpoint community. BOT staff completed preventative maintenance on the CAT 950F loader and the 310SK backhoe at Crownpoint BOT yard. BOT completed routine road maintenance mowing vegetation along sidewalks in the Crownpoint community. BOT also completed pothole patching on N49/11 in Mariano Lake. BOT completed ditch /blading on earth route 491 in Smithlake, routes 492 and 493 in Hasta Butte. Restriping of N9 East from Pueblo Pintado to Torreon and N49/11 from Pinedale to Smith Lake is completed. BOT staff completed maintenance on the 12G grader, replacing the radiator and flush cooling system, and electrical repairs on the dump truck. These activities support the provision of safe and reliable roads for the public, emergency vehicles, school buses and commerce.

The primary goal of the ENA BOT is to keep roads open and safe to the traveling public within the eastern portion of the Navajo Nation, in coordination with Navajo Nation Division of Transportation. ENA BOT crew must deal with emergencies that can block roads, washouts, and bridges. BOT crew continue to remain on alert, and when necessary and possible, they pretreat roads in the Eastern Navajo Agency. This ensures safer travel for the public and emergency vehicles.

Branch of Probate & Estate Services (ENA BPES):

For Fiscal Year 2022, the staff received reports of 348 deaths; as well as submitted 78 cases to the Office of Hearings and Appeals (OHA), approximately value of \$1,260,719.51 in Individual Indian Monies (IIM) accounts, 687 allotments, and 350 probable heirs. Staff completed the disbursement and closeout of 106 cases. Staff also assisted approximately 1,805 clients in the office, in the field doing home visits, over the phone, and through email. Staff keep Indian allotment interest holders well informed of their holdings and what it means to them. Many of the activities and interactions were conducted in the Navajo language so clients may utilize the information for estate planning. These activities greatly benefit the Navajo Nation for land use planning related to consents for infrastructure and commercial projects that involve Indian allotments. The types of services requested by our clients involve, but are not limited to, printing Individual Tribal Interest (ITI) reports, and educating clients on how to read the reports; updating contact information; explaining what documents are still needed for a case to be submitted to OHA; conducting client interviews for probate cases; and educating the public about the federal probate process and estate planning. In addition, agency probate activities support tribal self-determination, self-governance, and sovereignty by ensuring that the titles to Indian allotments are kept accurate and updated. This allows timely disbursement of funds to the heirs of tribal members and to the Navajo Nation. In this way, the Navajo Nation can solely determine the future projects that would benefit their tribal infrastructure goals.

Branch of Real Estate Services (BRES):

BRES processed and approved two waterline right-of-way projects for Pueblo Pintado and Tsayatoh/Red Rock Chapters. The waterline crosses four Indian allotments. BRES participated in the following meetings: 1. multi-agency roads meeting with McKinley County on combination of the road inventory listing so that the projects can be prioritized based on funding sources; 2. New Mexico Gas Company teams meeting on pipeline right-of-way projects, consent forms and cover letters to landowners for Navajo Indian allotments. 3. Virtual meeting with Tohajiilee Chapter at which the agency provided a PowerPoint presentation to chapter officials pertaining to land status, permitting/leasing, and land withdrawals.

BRES developed an action plan for fee-to-trust land acquisitions for Eastern Navajo Agency. Two chapters are requesting assistance to place fee lands within their chapters into trust for housing and economic development. BRES was able to finalize the requisition to complete environmental assessment (EA) and an environmental site assessment (ESA) for Thoreau and Whitehorse Lake chapters. The clearances are required for fee-to-trust land acquisition under 25 CFR 151. This acquisition will provide lands for economic and housing development for the local Navajo communities. BRES conducted a meeting with the Navajo Nation Land Department (NNLD) on the fee-to-trust project being worked on for the Eastern Navajo tribal fee lands. As a pilot project, BRES is working with the two chapters, Whitehorse Lake Chapter has 640 acres for housing and Thoreau has 305.5 acres for economic development. Coordination with the NNLD is needed to ensure timely processing of the application for these and other fee land tracts. These projects have significant potential for housing developing and sustainable economic development. There are additional chapters requesting assistance with fee-to-trust land acquisitions.

BRES staff attended several work sessions: the 8 Regional Chapters ARPA Work Session in Albuquerque, New Mexico, ARPA work session for eight chapters at Huerfano Chapter, September 7, 2022, and the APRA works session in Gallup, New Mexico with Delegate Yazzie and eight regional chapters. Superintendent and Realty Officer presented information on right-of-way and leasing as well as provide guidance and answer questions. The completion of the project plans for the Delegate's allocation of 8.8 million for each region will provide utility and other needed services to the Navajo communities for powerline, waterline, broadband, and other utilities.

BRES staff and the Agency Superintendent attended a meeting with the ToHajiilee Chapter officials for a proposed business site application for a convenience store, laundromat, and gas station. Chapter officials were informed of the procedural process, consent, rental consideration, and negotiation; also present was Thompson's Acquisitions, LLC, the applicant. Included in the discussion was a sewer pond that will be required for the laundromat. Applicant was advised of potential sites, including one on public domain land. The application is pending an appraisal of the fair market value of the lease and possible negotiations. The business will provide a local retail source for household goods for the community, including fuel.

Staff prepared a Use Permit for Whitehorse Lake Chapter for developing a COVID-19 mitigation potable watering point in Sandsprings, NM, which would establish the watering point for tribal members who don't have access to potable water. The Agency Superintendent approved and issued the permit for the watering point being set up on government-administered land. The use

permit will provide a location for water distribution for the local Navajo families, who currently travel great distances to obtain water.

Staff met with Sacred Wind Communications to discuss the right-of-way process, consent requirements and compensation requirements for their company participating in ARPA-funded projects for the Navajo Nation on telecommunication services. This project will provide internet and telecommunications services to the Navajo community members.

BRES attended a meeting with Continental Divide Electric Coop (CDEC) to discuss the service line agreements power line projects under CARES and APRA funding. The group decided to have periodic meetings with the chapters on the projects to assist in obtaining rights-of-way for the power line projects with CDEC and BRES. CDEC reported delays with the Navajo Nation Fish and Wildlife Department on NEPA clearances for projects. This will need to be addressed before the chapters start working on APRA projects that need rights-of-way. The completion of the rights-of-way will allow the power lines to be distributed to the Navajo communities for utility services.

Eastern Navajo Agency Branch of Natural Resources (BNR):

The ENA BNR supports range management decisions in the best interest of landowners, making it possible for landowners to receive income from the use of their land and natural resources and be managed properly.

Staff is continuing to use the BIA Eastern Navajo Agency Livestock Grazing Permit Environmental Assessment Finding of No Significant Impact (EA FONSI) as a basis for reviewing pending or new grazing permits for tribal members who meet the requirements and receive orientation on the regulations and mitigation measures to protect sensitive areas and trust resources. ENA BNR also continues to inform permittees on the EA FONSI and grazing permit requirements through postal service, telephone, and/or email due to the COVID-19 pandemic. ENA BNR completed four conservation plans involving 13,581 acres; amended six conservation plans; conducted range unit compliance work involving 158 record reviews and mailed compliance letters; completed chronological history for five District 15 grazing permits for quality assurance; completed seven range unit field assessments involving 12,504 acres. The Office of the Superintendent approved four conservation plans involving 18,339 acres and one grazing permit. The Navajo Escrow Account has a balance of about \$1,045,169.56.

For the Alamo/ Canoncito Noxious Weed and Invasive Plant Inventory and Environmental Assessment Project, ENA BNR received the Canoncito and Alamo Navajo Indian Reservations Noxious Weed Assessment and Inventory document for review. BNR completed the cultural resources survey statement of work and bid schedule. Hidden Water, Inc. (Contractor) with assistance from ENA BNR completed the Southwest Willow Flycatchers (SWWFC) survey on July 2, 3, 14 and 15, 2022. The SWWFC were observed in the Alamo area as “passing through” and not breeding or nesting. SWWFC migrate through the area to denser stands of salt cedar and ephemeral streams, which in this case would be the Rio Grande River. The ash-throated flycatchers were sighted and heard in both areas, and this species is not endangered or threatened. Other birds observed in both areas were the yellow-breasted chat, western kingbirds, black-throated sparrow, house finches, ravens, crows, western meadowlarks, Say’s phoebe, rock wrens, cliff swallows, the blue grosbeak, Cooper’s hawk, American kestrels, and turkey vulture. The cowbird was also heard but not seen. The biologist informed when doing surveys to log down any

cowbird sighting or calls. The U.S. Fish and Wildlife Service has reason to believe cowbirds may have played a role in the SWWFC's decline. Cowbirds are known to parasitize the nests of other birds by laying their own eggs among them. Once the eggs hatch, the cowbird chicks are usually bigger and take all the food the parent birds bring to the nest, while the real offspring of the parent birds starve. The cowbirds take no parental role in raising their offspring; thus, they parasitize. The Contractor finalized the Noxious Weed & Invasive Plant Inventory and Identification of Methods of Control and Management. The Contractor completed a draft Biological Resource Compliance Form. Contractor also provided the draft Cañoncito and Alamo Noxious Weed Inventory and Assessment Plan Environmental Assessment (with pending sections and appendices) for review at website provided: <https://hwi.box.com/s/cmlo7vczircs5oph4i9qsi12mtm41frp>.

For the Cultural Resources Survey for Noxious Weed and Invasive Plant Inventory Environmental Assessment Project, Hidden Water, Inc. (Contractor) was awarded \$99,558.69 as a supplement to complete the cultural resource survey. The Contractor was given the Notice to Proceed on September 6, 2022, and the period of performance will end in 90 days or December 6, 2022.

The objectives of the Land Management District 14/15/16 Boundary Fence Project to protect, manage, and improve trust rangeland resources and prevent inter-district trespass. Denali Services completed the Migratory Bird Protection Act preconstruction survey and submitted the report to Navajo Nation Fish and Wildlife (NNFW) and the Navajo Region's Branch of Environmental Quality Act Compliance Review. The surveyor did not encounter any issues and the recommends construction to continue the fencing through August 15. ENA BNR staff assisted the Navajo Nation Heritage and Historic Preservation Department with the Class III pedestrian survey of the 3,800-foot rerouted fence line and issued a Cultural Resource Compliance Form. ENA BNR completed a survey of 1.7 miles of the north-south fence line. Contractor has completed one mile of fencing of the north-south portion. ENA BNR met with a representative of USEPA Region-9 to discuss access to District 14 area and provided an inspection tour. The NNFW issued the updated Biological Resource Compliance Form, and the Contractor resumed the fence construction. The NNHHPD completed the report on the 3,800-foot Class III pedestrian survey. ENA BNR provided the Contractor one pallet of concrete, twenty-two braces with support braces, 275 seven-foot t-posts, six smooth wires, five barb wire, and one bag of clips. Fort Defiance Agency assisted with thirty upright braces and sixty support braces.

ENA BNR continues to coordinate with the District Land Boards and Eastern Navajo Joint Land Board via teleconference on grazing permit transactions, probate orders, low carrying capacity range units, field assessments, livestock grazing deferment requests due to drought, livestock trespass and range unit boundary fencing projects.

For District 15 Land Board, the board addressed: Nahodishgish Range Unit (RU) 22, seasonal grazing permit with Becenti RU33, permittee will use a grazing rotation system for the two units. ENA BNR is assisting permittee in identifying individual Indian Allotment lands, adjacent to Becenti RU33, for Authority to Grant livestock grazing to increase the carrying capacity. White Rock RU13, seasonal grazing permit with Lake Valley RU24, permittee will use a grazing rotation system for the two units, which is included in the conservation plan and drought mitigation plan. ENA BNR staff explained the 75% adjustment of current carrying capacity is in

the EA FONSI as a mitigation measure and communicated in the public meetings on the draft EA and completed to comply with the National Environmental Protection Act to approve grazing permits. The Board states the range has improved with the recent moisture and livestock are doing better.

For District 16 Land Board, the board addressed: a special meeting on Wingate Grazing Community RU2 boundary fence project. Few adjacent land users (mostly residents) oppose the construction of the fence and request to remove the fence because of historical experiences. ENA BNR found the fencing went through two archeological sites and reported the incidents to the Natural Resources Conservation Service (NRCS) and the Navajo Region's archeologist. According to NRCS, the permittee was informed of the sites and to divert the fence around the sites. The BIA archaeologist and the Navajo Nation Tribal Historic Preservation Officer completed an investigation of the two sites for possible violations. The permittee has an NRCS Environmental Incentive Program contract to construct the fence and water development and request to complete the fence project for range improvement and is about 90% complete. Red Rock RU 12 (1,020 acres, thirteen Sheep Units Yearlong (SUYL) with 75% adjustment) will be nine SUYL; the permit has been canceled since May 2019 due to a deceased permittee; schedule a field assessment; a conservation plan questionnaire was provided. BNR informed the Board the 75% adjustment is part of the EA FONSI.

For District 19 Land Board, the board addressed: Carson RU16, transfer grazing permit, approved. Bisti RU2, transfer grazing permit, approved. Gallegos RU18, transfer grazing permit, approved with both names on grazing permit. Land identification for development of approximately five acres for a campsite. Kimbeto Grazing Community request for homesite lease; advised to submit application to the Navajo Land Department, who has the authority to make the decision on the application; acknowledged application for approval. Huerfano Range Unit 13, request to defer livestock grazing, complete field assessment, defer until September 2022. Kimbeto request transfer of BLM permit # NM 06013; permittee has health issues; applicant needs a homesite lease or residential lease and current state brand card prior to transfer of permit. Land exchange: Secretary informed to reaffirm chapter resolution prior to decision; approved to defer boundary location until September. Access road requested by homesite lessee across range unit; BLM grazing permit; Blanco RU3 Permittee opposing request, and there is an alternative access point to homesite. Land Board recommended that there be a site visit on July 25, 2022. Individual with request for right-of-way informed that the permittee guided the Land Board and BLM to area where access road was impassable, schedule a site visit and that all entities be in attendance BLM, BIA, and Land Board members, if one missing, no meeting will occur. Navajo Escrow Account proposed projects include fencing, water development, brush control, earth dam repair, windmills repair, livestock vaccination and payment for bond. Huerfano RU11 permittee does not want funds to go to Big Navajo; ensure it stays in Eastern Navajo Agency.

For District 20 Land Board, the board addressed: Star Lake RU2 transfer grazing permit, informed to provide compliance documents. ENA BNR informed that approved request needs to be supported with Board resolution and official meeting minutes, and compliance documents need to be submitted prior to grazing permit orientation and issue of grazing permit. Pueblo Pintado RU12 and 35 - unauthorized fencing on range unit; the Land Board will complete a site visit with ENA BNR. ENA BNR assisted Littlewater Chapter Land Board Representative with corral panels to capture cattle of a deceased permittee in Becenti Grazing Community and Tribal Ranch.

ENA BNR is working with the New Mexico State University (NMSU) Cooperative Extension Service to assist ENA permittees to complete and amend conservation plans so that they qualify for USDA programs and services. ENA BNR completed outreach presentation through a webinar on the ENA Livestock Grazing Environmental Assessment and Findings of No Significant Impact. The webinar was recorded for future viewing. Thirty people registered for the presentation and approximately twenty attended. ENA BNR met permittees at Nageezi Chapter House to amend conservation plans for Otis RU5, Gallegos RU14 and Gallegos RU18 and at Huerfano Chapter House for Bisti RU2 and 6.

Appendix A –Dear Tribal Leader Letter (DTLL)

September 2022

- DTLL – 09/29/22: the Assistant Secretary – Indian Affairs regarding the Section 105(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. §5324(1)) provides that Tribes and Tribal Organizations (T/TOs) carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with Indian Affairs for the tribally owned or rented facility used to carry out those functions.
- DTLL – 09/09/22: on the proposals to replace the derogatory term, Secretary’s Order 3404. Due to its content size, the “SO3404 Final Replacement Names” is available upon request.
- DTLL – 09/06/22: White House Council on Native American Affairs inviting you to consult on the implementation of the Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty and Reserved Rights (TTR, MOU). Due to its content size, the following is available upon request: TTR MOU Working Group DRAFT FOR PURPOSES OF TRIBAL CONSULTATION – NOT CLEARED BY FEDERAL AGENCIES.

August 2022

- DTLL – 08/30/22: the Assistant Secretary – Indian Affairs, and Deputy Assistant Secretary – Policy and Environmental Management seeking your feedback and recommendations on a draft document entitled “BIPARTISAN INFRASTRUCTURE LAW SEC. 40601 ORPHANED WELL PROGRAM, Tribal Grant Guidance, Fiscal Year 2023.”
- DTLL – 08/30/22: the Assistant Secretary – Indian Affairs, US DOI and Director Office of Tribal Justice, inviting you to listening sessions to discuss the impact of the June 29, 2022, Supreme Court decision in *Oklahoma v. Castro-Huerta*.
- DTLL – 08/23/22: Director, Bureau of Indian Affairs seeking Tribal input on utilizing new Congressional funding to acquire fractional interests in trust or restricted land.
- DTLL - 8/19/22: the Assistant Secretary – Indian Affairs regarding the development of a 10-year National Plan on Native Language Revitalization.
- DTLL – 08/18/22: the Assistant Secretary – Indian Affairs regarding the Tiwahe Initiative and consultation. The BIA is requesting your input to inform program expansion in FY 2022 and FY 2023.
- DTLL – 08/18/22: the Executive Director, White House Council on Native American Affairs inviting you to consult on the implementation of the Memorandum of

Understanding Regarding Interagency Coordination and Collaboration for The Protection of Tribal Treaty and Reserved Rights (TTR, MOU).

- DTLL – 08/18/22: the White House Council on Native American Affairs inviting you to the interagency Tribal consultation on September 21, 2022, 2pm – 5pm, regarding the implementation of the Build America, Buy America (BABA) Act.

July 2022

- DTLL – 07/27/22: the Deputy Assistant Secretary, Lands and Minerals Management on reforming hardrock mining laws, regulations, and permitting policies in the United States. The Department is hosting listening sessions and tribal consultations in August.
- DTLL – 07/12/22: the BIE regarding its published Standards, Assessments, and Accountability System in its Agency Plan to govern how the Secretary of Interior implements requirements for standards, assessments, and accountability systems for BIE-funded schools.
- DTLL – 07/12/22: the White House Council on Native American Affairs (WHCNA) inviting you to meet with WHCNA leadership on July 18, 2022, from 2:00-3:30 p.m., EST to discuss WHCNA Tribal Homelands Initiatives. Due to its content size, the following attachments are available upon request
 - Attachment A. Joint Secretarial Order 3404
 - Attachment B. Tribal Treaty Rights MOU
 - Attachment C. Sacred Sites MOU



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

July 12, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the White House Council on Native American Affairs (WHCNA) inviting you to meet with WHCNA leadership on July 18, 2022, from 2:00-3:30 p.m., EST to discuss WHCNA Tribal Homelands Initiatives.

Please see enclosed for more information on the registration link and informational materials on the session. Written responses are also welcomed at whcnaa@bia.gov no later than August 11, 2022.

Sincerely,

GREGORY
MEHOJAH

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GREGORY MEHOJAH
Date: 2022.07.12
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Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Deputy Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

July 11, 2022

Dear Tribal Leader:

The White House Council on Native American Affairs (WHCNAA) invites you to meet with WHCNAA leadership on July 18, 2022, 2:00pm – 3:30pm EST to discuss WHCNAA Tribal Homelands Initiatives.

As WHCNAA co-chair, U.S. Department of the Interior Secretary Deb Haaland will convene the virtual Tribal engagement session with U.S. Department of Agriculture (USDA) Secretary Tom Vilsack and other senior Biden-Harris Administration officials. Secretary Vilsack and Secretary Haaland represent the leadership of the WHCNAA Committee on Climate Change, Tribal Homelands, and Treaties.

The Tribal leader engagement session will focus on the [Nov. 15, 2021, Joint Secretarial Order 3403 between USDA and DOI on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#), the [2021 Tribal Treaty Rights MOU](#), the [2021 Sacred Sites MOU](#), and other land-related initiatives such as the fee to trust regulations at 25 C.F.R. Part 151, Tribal relocation efforts, and Indigenous Knowledge. The Committee leadership will provide the status of implementation for these policy documents and discuss how Tribal leaders play a role in the policies' execution.

During the July 18, 2022, session, Tribal leaders will be asked to share their guidance, recommendations, and perspectives on the WHCNAA Committee's workstream and progress. The engagement will also provide a valuable opportunity for federal agencies to share information about existing resources, future Tribal consultations, and initiatives being planned over the coming months.

The WHCNAA looks forward to your participation. The agenda with the registration link, Framing Questions for the session, a copy of Joint Secretarial Order 3403, 2021 Tribal Treaty Rights MOU, and a copy of the 2021 Sacred Sites MOU are attached. Materials will also be available on the WHCNAA website (www.bia.gov/whcnaa). Please submit any written responses to the Framing Questions to whcnaa@bia.gov no later than August 11, 2022.

Sincerely,

Anthony Morgan Rodman
Executive Director, White House Council on Native American Affairs

White House Council on Native American Affairs

Tribal Leader Engagement Session

Monday, July 18, 2022

2:00 p.m. – 3:30 p.m. ET

Please register in advance at: https://pitc.zoomgov.com/webinar/register/WN_FIW8GoERTCHTJWPsqxSCQ

- I. Opening by WHCNAA Co-Chair
- II. WHCNAA Committee on Climate Change, Tribal Homelands, and Treaties
- III. Tribal Leader Discussion
- IV. Closing

White House Council on Native American Affairs (WHCNAA)
Tribal Leader Engagement Session on the Tribal Homelands Initiative
July 18, 2022
Framing Questions

1. Given the language in joint Secretarial Order No: 3403 between USDA and DOI, what milestones should the agencies achieve over the course of 2022 and 2023?
2. What resources (funding, capacity, technical assistance, etc.) do you need to successfully develop, pursue, negotiate, execute, and implement co-stewardship agreements?
3. Should other Federal agencies develop and execute a policy like joint Secretarial Order No: 3403, and, if so, what other agencies?
4. What challenges, including leadership resistance and policy/regulatory/legislative barriers, have you experienced in the pursuit of co-stewardship agreements with Federal agencies?
5. How should the Federal government evaluate tribal requests to transfer ownership or management of federal lands within existing reservations; and, how can the Federal government improve opportunities for Tribes to acquire surplus or excess federal property within or near their reservations?
6. What are your recommendations and feedback on how the 2021 Tribal Treaty Rights MOU can serve you in the protection of Tribal Treaty Rights?
7. Are there other Federal agencies that you recommend signing onto the 2021 Tribal Treaty Rights MOU, and, if so, what other agencies?
8. In March 2022, the signatories to the Sacred Sites MOU convened a listening session with Tribes and indigenous communities on the MOU. Since then, signatories have moved forward with the Indigenous Traditional Ecological Knowledge and co-stewardship efforts, which are elements of the MOU. What are your recommendations and feedback on how the 2021 MOU can serve Tribes and indigenous communities in the protection of sacred sites?
9. Are there other Federal agencies that you recommend signing onto the 2021 Sacred Sites MOU, and, if so, what other agencies?
10. What additional actions do you recommend to further implement the Sacred Sites MOU?



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87305

July 28, 2022

Electronic Transmission

Honorable Jonathan Nez
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Deputy Assistant Secretary, Lands and Minerals Management, on reforming Hardrock mining laws, regulations, and permitting policies in the United States. The Department of the Interior will be hosting listening sessions and Tribal consultations in August. Enclosed are the meeting dates and times. Written comments are welcomed at MiningReform@ios.doi.gov or submit comments to [Regulations.gov](https://www.regulations.gov) (Docket DOI-2022-0003) by September 15.

If you have any questions, you may contact Joaquin Gallegos, Special Assistant to the Assistant Secretary - Indian Affairs at joaquin_gallegos@ios.doi.gov or Alexandra Sanchez, Special Assistant, Office of the Assistant Secretary of Land and Minerals Management at Alexandra-Sanchez@ios.doi.gov.

Sincerely,

ANGELA
ARVISO

Digitally signed by
ANGELA ARVISO
Date: 2022.07.28
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Angela M. Arviso
Acting Regional Director

Enclosure(s)

cc: Mr. Myron Lizer, Vice President, OPVP, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, OPVP, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, OPVP, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Deputy Legal Counsel, OPVP, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

July 25, 2022

Dear Tribal Leader:

The Department of the Interior has launched an interagency working group on reforming hardrock mining laws, regulations, and permitting policies in the United States. The group will help support President Biden's vision for a whole-of-government effort to promote the sustainable and responsible domestic production of critical minerals. At each step, the group is committed to hearing from Tribal governments. Considering the legacy of the impacts of mining on many Tribal communities, and impacts anticipated from new mining, the protection of treaty rights, sacred sites, and upholding the trust responsibility are important parts of this work.

Hardrock mining on public lands — which includes gold, silver, copper, uranium, lithium, and nearly all critical minerals — is still governed by the General Mining Law of 1872. The working group will make recommendations for updates and reforms necessary to ensure that new exploration and production meets strong environmental and Tribal engagement standards during all stages of mine development, from initial exploration through reclamation, while improving the efficiency and outcomes of the permitting process, consistent with the newly released Biden-Harris Administration's Fundamental Principles for Domestic Mining Reform.

We are greatly interested in input from Tribal leaders and are hosting the following **listening sessions in August:**

Date	Time	Location
Tuesday, August 2, 2022	5:30 p.m. - 7:30 p.m. EDT	https://doitalent.zoomgov.com/j/1603128203 or Dial in #: # 1-669-254-5252 Meeting ID: 160 312 8203 Passcode: 633577
Wednesday, August 10, 2022	3:00 p.m. - 5:00 p.m. EDT	https://doitalent.zoomgov.com/j/1603128203 or # 1-669-254-5252 Meeting ID: 160 601 1633 Passcode: 918825
Monday, August 15, 2022	11:00 a.m. - 1:00 p.m. EDT	https://doitalent.zoomgov.com/j/1601658829 or Dial in #: 1-669-254-5252 Meeting ID: 160 165 8829 Passcode: 147194

We also are convening **formal Tribal consultations during the month of August:**

Alaska Time Zone

Thursday, August 25, 2022, 1:00 p.m. – 3:00 p.m. AKDT

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJlscO6prTguGqKtmC59OdFNasGneYAQUEg>

Eastern and Central Time Zones

Friday, August 26, 2022, 12:00 p.m. - 2:00 p.m. EDT / 11:00 a.m. - 1:00 p.m. CDT

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJlscuiqz4tEzc5ldP3vOZhHMzrwrOy5g>

Mountain Daylight Time Zone

Monday August 29, 2022, 11:30 a.m. – 1:30 p.m. MDT

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJlsc6vrjwrHcnG1v3M9rxC9rWhBL9EMzA>

Pacific and Mountain Standard Time Zones

Tuesday, August 30, 2022, 11:00 a.m. – 1:00 p.m. PDT

Please register in advance at:

https://doitalent.zoomgov.com/meeting/register/vJltd-uqrzwvGzVtE_vxngyLrwojI44oKJM

If you have any written input you would like to provide, please send to MiningReform@ios.doi.gov, or submit comments to [Regulations.gov](https://www.regulations.gov) (Docket DOI-2022-0003) by September 15 to ensure timely consideration.

If you have any questions, please contact, Joaquin Gallegos, Special Assistant to the Assistant Secretary – Indian Affairs at joaquin_gallegos@ios.doi.gov, or Alexandra Sanchez, Special Assistant, Office of the Assistant Secretary of Land and Minerals Management at Alexandra-Sanchez@ios.doi.gov.

Sincerely,

Steve Feldgus
Deputy Assistant Secretary
Land and Minerals Management



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 2, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs (ASIA), regarding the Small Tribe Supplement program. In June, Tribal leaders have requested from the BIA for an explanation of the current funding methodology for the Small Tribe Supplement funding allocated to each eligible Tribe for Fiscal Years 2020, 2021, and 2022.

Please see the enclosed for more information on the written consultation and its submission requested by August 15, 2022. If you have any questions, please contact Ms. Rose Petoskey, Senior Counselor to ASIA at (202) 208-7163 or by email at rose.petoskey@bia.gov.

Sincerely,

**ANGELA
ARVISO**

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ANGELA ARVISO
Date: 2022.08.02
12:10:12 -06'00'

Angela M. Arviso
Acting Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Deputy Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 28 2022

Dear Tribal Leader:

This letter is a follow up to the Dear Tribal Leader Letter dated May 24, 2022, inviting you to consult on the funding methodology for the Small Tribe Supplement program (previously known as the Small and Needy program).

During the consultations held on June 21 and 22, Tribal Leaders requested that the Bureau of Indian Affairs (BIA) provide an explanation of the current funding methodology for the Small Tribe Supplement distributions for Fiscal Year 2021 and Fiscal Year 2022, any modifications that have been made from the methodology used previously, and data regarding the amount of Small Tribe Supplement funding allocated to each eligible Tribe for Fiscal Years 2020, 2021, and 2022.

We are committed to ensuring transparency regarding the Small Tribe Supplement program, and BIA continues to work on preparing the requested information for release to Tribes. Therefore, we are extending the written comment deadline for this consultation from August 1, 2022, to August 15, 2022. You may submit written comments to consultation@bia.gov by 11:59 pm ET on August 15, 2022.

If you have any questions, please contact Ms. Rose Petoskey, Senior Counselor to the Assistant Secretary – Indian Affairs, at (202) 208-7163 or by email at rose.petoskey@bia.gov. I look forward to receiving your written comments.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 18, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Executive Director, White House Council on Native American Affairs inviting you to consult on the implementation of the Memorandum of Understanding Regarding Interagency Coordination And Collaboration For The Protection Of Tribal Treaty And Reserved Rights (TTR, MOU).

Please see the enclosed for more information on the consultation session in September. Written comments to consultation@bia.gov by October 10, 2022, is also an option. Please contact Mr. Thomas Garcia, Special Assistant for the White House Council on Native American Affairs, by email at thomas.garcia@bia.gov or via phone (202) 568-0877.

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2022.08.18
14:37:13 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Deputy Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 18, 2022

Dear Tribal Leader:

The White House Council on Native American Affairs (WHCNAA) invites you to consult on the implementation of the *Memorandum Of Understanding Regarding Interagency Coordination And Collaboration For The Protection Of Tribal Treaty And Reserved Rights* (TTR MOU).¹ The TTR MOU builds on the 2016 Treaty Rights MOU issued by the Obama Administration in the fall of 2016. The TTR MOU strengthens the 2016 MOU in a number of significant ways, including further committing the signatory federal departments and agencies to early consideration of Tribal treaty rights, reserved rights and similar Tribal rights in federal decision making and regulatory processes.

The TTR MOU was drafted and signed by 17 federal agencies in accordance with the policy framework announced in President Biden's January 26, 2021, *Executive Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships* and was announced at the White House Tribal Nations Summit on November 15, 2021. The TTR MOU commits federal agencies to coordinate and collaborate to protect on and off reservation treaty rights, reserved rights and similar Tribal rights.

Federal agencies have begun implementing several of the action items in the MOU. The TTR MOU Work Group required by MOU Action Item 7 was formed and began meeting in September 2021. The Legal Subgroup was formed and began meeting in December 2021. At the suggestion of the Legal Subgroup, the TTR MOU Work Group has begun holding bimonthly trainings for federal staff with noted federal Indian law academics, beginning with Dean Stacy Leeds in May 2022.

The WHCNAA welcomes all Tribal comments and recommendations on implementation of the TTR MOU. Of particular interest are Tribal leader perspectives on how the TTR MOU signatory agencies may improve best practices and training for federal staff on identifying and honoring treaty rights, reserved rights, and other similar rights.

Enclosed is a draft Best Practices Field Guide and Decision Flow Chart prepared by the TTR MOU Work Group and Legal Subgroup designed to assist federal field staff in integrating the consideration of treaty and reserved rights into agency decision making processes. The TTR MOU Work Group is seeking Tribal feedback on these documents to inform the development and use of the documents by the TTR MOU signatory departments and agencies as they undertake Tribal consultation policy reforms and updates. Prior to the consultation, the TTR MOU Work Group will also release a draft Best Practices Report for Tribal review and comment.

¹ Interagency MOU Protecting Tribal Treaty and Reserved Rights online at:
<https://www.doi.gov/sites/doi.gov/files/interagency-mou-protecting-tribal-treaty-and-reserved-rights-11-15-2021.pdf>

You are invited to register for one or more of the following consultations:

Friday, September 16, 2022
2:00 p.m. – 4:00 p.m. (ET)

<https://www.zoomgov.com/meeting/register/vJlscOmrrDotEpTQLyf9UCuGvxrdS-3fwOs>

Monday, September 19, 2022
2:00 p.m. – 4:00 p.m. (ET)

<https://www.zoomgov.com/meeting/register/vJltf--spj4pH8CU0YQZnTiYy4dt-plsjMI>

You may also provide written comments to consultation@bia.gov by 11:59 p.m. ET on Monday, October 10, 2022. If you have any questions, please contact Thomas Garcia, Special Assistant for the White House Council on Native American Affairs, at thomas.garcia@bia.gov or via phone at (202) 568-0877.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Morgan Rodman". The signature is fluid and cursive, with the first name "Anthony" being the most prominent.

Anthony Morgan Rodman
Executive Director
White House Council on Native American Affairs

GUIDANCE FOR FEDERAL REGIONAL AND FIELD STAFF

BEST PRACTICES FOR IDENTIFYING AND PROTECTING TRIBAL TREATY RIGHTS, RESERVED RIGHTS AND OTHER SIMILAR RIGHTS IN FEDERAL REGULATORY ACTIONS AND FEDERAL DECISION-MAKING

The Working Group established by the Memorandum of Understanding regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights (Treaty Rights MOU) has collected and reviewed agency consultation policies and has prepared this summary of legal principles and best practices for integrating the consideration of treaty and reserved rights into agency consultation processes. The efforts of the Working Group have been directed at treaty and reserved rights, but these best practices may be applicable to Tribal rights recognized by other sources, including Tribal agreements with the United States, Executive orders, statutes, regulations, or case law. This guide ties into other agency policies, including departmental and agency Tribal Consultation policies, the Memorandum of Understanding regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites, the work of the Interagency Working Group on Indigenous Traditional Ecological Knowledge, and work done to incorporate Tribal co-management of federal lands, and is subject to modification.

Treaties are binding legal agreements between two or more sovereign nations and are, along with the Constitution and Federal laws, the supreme law of the United States. Treaties with Tribal nations may explicitly or implicitly secure rights to the Tribe and individual Tribal members, including lands, fishing and hunting rights, water rights, and goods and services such as food, education, and healthcare. Treaties are to be interpreted as a grant of rights from Tribes, and a reservation of those rights not granted; thus, Tribes possess proprietary rights and sovereign control not conveyed by the treaty or other federal law.

Principles for Tribal Consultation Policies:

- Tribes are sovereign nations with self-governance and self-determination rights.
- Tribes have a government-to-government relationship with the United States.
- Treaties are substantive federal law of equal importance to other federal laws and obligations.
- There is a general trust relationship between the United States (including all agencies of the federal government) and Indian Tribes, in which the government has charged itself with moral obligations of the highest responsibility and trust. The nature of the trust relationship is defined by federal law (i.e., treaties, statutes, federal regulations) and can include particular duties or fiduciary obligations.
- Treaties, statutes, and regulations may, if they establish specific fiduciary duties, create a federal trust responsibility to protect treaty rights.
- Under the “reserved rights doctrine,” rights not addressed by Indian treaty provisions are presumptively reserved. Rights expressly articulated in Indian treaties are reservations of inherent governmental rights of Indian Tribes and individual rights of individual Indians.

- A meaningful consultation is one which is, among other inclusive practices and to the extent practical under the circumstances, carried out in a timely, efficient, and responsive manner; transparent and predictable; accessible, reasonable, flexible, and fair; founded in the principles of good faith and respectful of the sovereignty of Indian Tribes; and includes reasonable accommodation (e.g., changing of timelines, project parameters), when appropriate and to the extent permitted by Federal law.
- The Tribal consultation should identify for the Tribe the means of dispute resolution regarding Tribal complaints about the consultation process, where treaty or reserved rights are implicated by the agency action.
- The U.S. Supreme Court has long applied “canons” or rules of interpretation for Indian treaties. These include 1) treaty language must be construed as the Indians would have understood it at the time of treaty negotiations, 2) doubtful or ambiguous expressions in a treaty should generally be resolved in favor of the Tribes, and 3) treaty provisions should be interpreted in light of the surrounding circumstances and history. Furthermore, Congress must clearly express any intent to abrogate Indian treaty rights.

Best Practices for Advance Work to Identify Treaty, Reserved and Other Similar Rights:

- Federal agency staff should be trained on appropriate consultation protocols; treaty rights, reserved rights and other similar rights; and working with Tribal governments
- Agencies should map the spaces or areas where they operate (e.g., where they carry out rulemakings, actions, or permit, license, or financially assistance actions). As a starting point, consider asking these questions:
 - Where are agency installations, offices, or other facilities? What physical territory does an agency administer or manage its operations?
 - In what areas does the agency license, permit, or fund actions?
- Agencies should identify Tribal historical and cultural connections to spaces or areas where they operate to the extent practicable.
 - What Tribes may have cultural, ancestral, or historical connections to such spaces?
 - Are there relocated Tribes that may have a connection to their ancestral homelands?
- Where agency actions may implicate treaty, reserved, or other similar rights, agencies should compile a list of potential treaties implicated by agency action sorted by geographical location.
 - Consider utilizing the Oklahoma State Tribal Treaty Database tool (<http://treaties.okstate.edu>) or other reliable sources to provide relevant background on treaty language.
 - Ensure agency representatives have performed the necessary background research into treaties applicable to the potential agency action.

Best Practices for Consultation When Treaty, Reserved, and Other Similar Rights are Implicated by Agency Action:

- Ask these three threshold questions:

- Do treaties, reserved rights, or other similar rights exist that are implicated by proposed agency actions?
 - What treaty rights, reserved rights, or other similar rights may exist in, or what treaty-protected resources rely upon, the area affected by the proposed action?
 - How might treaty rights, reserved rights, or other similar rights potentially be affected by the proposed action?
- For purpose of determining/identifying Tribes that may have treaty rights, reserved rights, or other similar rights implicated by a proposed agency action, invite Tribal Leaders of Tribes with treaty, reserved, or other rights related to the project area, regardless of the Tribe's current location.
 - Consider that treaty-ceded lands may be located far from a Tribe's existing reservation.
- Identify the appropriate federal agency official or decisionmaker (e.g., those officials with delegated authority) to conduct consultation.
 - Ensure the appropriate federal agency official(s) or decisionmaker(s) are provided sufficient information concerning applicable treaties and/or reserved or other similar rights implicated by the agency proposed action.
- Schedule consultation to allow timely, adequate notice to the Tribe(s), absent extenuating circumstances. Notice should, to the extent practicable:
 - Be sent far enough in advance to allow participation by interested Tribe(s).
 - Be detailed enough to permit Tribal participants time to review the agency's proposed understanding of the treaty right, reserved rights, or other similar right that may be implicated and to allow time for the Indian Tribe to respond with information that may inform agency decision making.
 - Provide consultation that will be accessible and convenient to Tribal participants.
- Information received by the federal government during Tribal consultation regarding treaty and reserved rights should be meaningfully considered in the decision-making or regulatory process, and agencies should be transparent about how the information was considered.
- The existence, nature, or scope of an asserted Tribal right may not be clearly established, or may be disputed by other Tribes, third parties, or others. In these instances, agencies should carefully consider information and views provided by Tribes, and coordinate within their agency (and as appropriate, with other affected agencies that may have decision-making responsibilities for the proposed action) before addressing any such disputes in agency decision-making.
- It may be useful to develop consultation protocols ahead of time to recommend procedures for how consultation will occur.
 - Protocols may establish minimum consultation periods and a timeline for written comments depending on the subject matter of the consultation.
 - Protocols may establish a step-by-step process for notification, communication, access, and incorporation of feedback from Tribes into the agency decision-making process.

Draft TTR Consultation Best Practices Flowchart, August 2022

1. Identify agency action, decision or rulemaking.

Does the proposed action have the potential to affect a natural or cultural resource, the habitat or ecosystem supporting a natural or cultural resource?

Ask three threshold questions:

1- Do treaties, reserved rights, or other similar rights exist that are implicated by proposed agency action?
2- What treaty rights, reserved rights, or other similar rights may exist in, or what treaty-protected resources rely upon, the area affected by the proposed action?

3- How might treaty rights, reserved rights, or other similar rights potentially be affected by the proposed action?

2. Identify applicable treaties.

3. Identify affected Tribes, and agency decision maker.

Identify Tribes with treaty, reserved, or other rights related to the project area, regardless of the Tribe's current location.
Treaty-ceded lands may be located far from a Tribe's existing reservation.

4. Invite affected Tribes to consult.

1- Draft "Dear Tribal Leader" letter.
2- Plan to send to recognized governing leadership of the Tribe(s) with at least 30 days notice.
3- Plan to provide time for written comments.
4- Plan to provide written summary of comments received and agency response.

Schedule consultation to allow timely, adequate notice to Tribe(s), absent extenuating circumstances, and prior to federal decision point(s).

Develop consultation protocols ahead of time to recommend procedures for how consultation will occur.

Federal agencies should communicate relevant Federal legal obligations, e.g., FOIA, as they pertain to information like sensitive Indigenous Knowledge.

5. Initiate consultation

Provide consultation that will be accessible and convenient to Tribal participants.

6. Consider treaty rights and statutory law in consultation with Tribes.

Provide detailed information to permit the Tribal participants to review the agency's proposed understanding of the treaty right, reserved right, or other similar rights that may be implicated.

Allow time for the Tribe(s) to respond with information that may inform agency decision-making.

The existence, nature, or scope of an asserted Tribal right may not be clearly established, or may be disputed by other Tribes, third parties, or others. Agencies should carefully consider information and views provided by Tribes.

7. Communicate decision to Tribe.

Explain how treaty rights were considered and how consultation information was utilized in the decision.

Provide a written summary of all Tribal comments received and how comments were considered and resolved.

Federal agencies should take measures to protect the confidentiality of any sensitive indigenous knowledge consistent with Tribal direction and to the fullest extent permitted by the FOIA and other applicable law.



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87305

August 18, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the White House Council on Native American Affairs inviting you to the interagency Tribal consultation on September 21, 2022, 2pm – 5pm, regarding the implementation of the Build America, Buy America (BABA) Act.

Please see enclosed for more information on the background, scope of consultation, and registration. You may submit written consultation by October 20, 2022, to whcnaa@bia.gov. Please contact whcnaa@bia.gov if you have any questions.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by
GREGORY MEHOJAH
Date: 2022.08.18
14:37:59 -07'00'

Gregory Mehojah
Regional Director, Navajo

Enclosure(s)

cc:

Mr. Myron Lizer, Vice President, OPVP, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, OPVP, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, OPVP, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 18, 2022

Dear Tribal Leaders,

On behalf of the White House Council on Native American Affairs (WHCNA), you are cordially invited to an interagency Tribal consultation on Wednesday, September 21, 2022, 2pm – 5pm EST, on the implementation of the Build America, Buy America (BABA) Act (Pub. L. No. 117-58, §§ 70901-52), which was enacted as part of the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58).

BABA applies a new purchasing preference for American-made products that could significantly impact Tribal infrastructure projects. It provides that “none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”¹

This provision **does not** apply to the P.L. 93-638 agreements that Tribes have with the U.S. Department of the Interior.

The consultation will be held virtually on Wednesday, September 21, 2022, from 2:00-5:00pm ET. Prior to this consultation, a virtual Tribal caucus session will be held from 1:00-2:00pm ET.

Background

On April 18, 2022, the White House Office of Management and Budget released a Memorandum for Heads of Executive Departments and Agencies on [Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#) (M-22-11). This Memorandum details new requirements enacted by law under the [Infrastructure Investment and Jobs Act](#) (Public Law P.L. 117-58), requiring that non-emergency infrastructure financed directly (e.g., Federal grants) or indirectly (e.g., loan guarantees and other types of financial assistance) must be constructed using iron, steel, manufactured products, and construction materials which are produced in the United States.

Amongst these requirements, this Memorandum directs agencies to consult with tribes pursuant to Executive Order 13175. The White House Council on Native American Affairs facilitates inter-agency collaboration and coordination on Tribal issues, including consultation. Rather than agencies seeking Tribal input separately on BABA, the White House Council on Native American Affairs (WHCNA) is coordinating a joint Tribal consultation on this important issue.

¹ “Made in America Laws” means all statutes, regulations, rules, and Executive Orders relating to Federal financial assistance awards or Federal procurement, including those that refer to “Buy America” or “Buy American,” that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured products offered in the United States. Made in America Laws include laws requiring domestic preference for maritime transport, including the Merchant Marine Act of 1920 (Pub. L. No. 66-261), also known as the Jones Act. Exec. Order No. 14,005, 86 Fed. Reg. 7475, § 2(b) (Jan. 28, 2021), available at <https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers>. Made in America Laws also include laws that give preference to Indian-owned and -controlled businesses, such as the Buy Indian Act (25 U.S.C. 47), that produce items in the United States.

Agencies/Departments Jointly Consulting (With Link to BABA Site of Approved Waivers)

- [U.S. Department of Agriculture](#) (USDA)
- [U.S. Department of Commerce](#), National Telecommunications and Information Administration (NTIA)
- U.S. Department of Energy (DOE)
- U.S. Department of Health and Human Services, Administration for Native Americans (ANA)
- [U.S. Department of Housing and Urban Development](#) (HUD)
- [U.S. Department of the Interior](#) (DOI)
- U.S. Small Business Administration (SBA)
- U.S. Department of Transportation (DOT)

Scope of Consultation

Under this law, agencies must require that grantees, cooperative agreement recipients, and (direct or guarantee) loan recipients use domestic iron, steel, manufactured products, and construction materials in each funded infrastructure project. Agencies are authorized under BABA to issue waivers for specific projects under certain circumstances. WHCNAA is hosting this consultation to better inform agencies on the scope of Tribal Nations' needs for infrastructure projects, the types of materials Tribes commonly use, whether Tribes source or offer covered materials, and how waivers should be structured where allowable by law.

Registration

Tribal Caucus:

- **Date:** Wednesday, September 21, 2022
- **Time:** 1:00p.m. ET – 2:00p.m. ET
- **Register at:** https://www.zoomgov.com/meeting/register/vJItcO6ppjgoHc_V5wNsj_fjmkdQAVRHSCk
- **Note:** Tribal caucus is an opportunity for Tribal leaders to discuss relevant BABA consultation issues without federal policymakers online.

Tribal Consultation:

- **Date:** Wednesday, September 21, 2022
- **Time:** 2:00p.m. ET – 5:00p.m. ET
- **Register at:** https://www.zoomgov.com/webinar/register/WN_Qcl_sy3bQwmD6dxmYiYkyA
- **Note:** Tribal leaders interested in participating in Tribal Caucus must also register for Tribal Consultation.

Proxies

In the event you cannot attend and wish to send a proxy, please notify the White House Council on Native American Affairs by Wednesday, September 14, 2022, at whcnaa@bia.gov.

To designate a proxy for this meeting, please copy the attached delegation form to Tribal letterhead. This delegation cannot be in perpetuity. You are also encouraged to bring program leadership and staff from your nation to the tribal consultation as observers.

Written Comment

The White House Council on Native American Affairs encourages tribal leaders to submit written consultation remarks by Thursday, October 20, 2022, to whcnaa@bia.gov.

Questions

Please contact whcnaa@bia.gov if you have any questions.

On behalf of the White House Council on Native American Affairs and participating agencies, we look forward to joining you for this consultation.

Thank you,

A handwritten signature in black ink, appearing to read "Anthony Morgan Rodman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Anthony Morgan Rodman
Executive Director, White House Council on Native American Affairs

**FRAMING PAPER:
TRIBAL CONSULTATION ON BUILD AMERICA BUY AMERICA**

*hosted by the
White House Council on Native American Affairs*

Wednesday, September 21, 2022

Tribal Leader Caucus
1:00p.m. ET – 2:00p.m. ET

Tribal Consultation
2:00p.m. – 5:00p.m. ET

I. Consulting Agencies/Departments

- U.S. Department of Agriculture (USDA)
- U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA)
- U.S. Department of Energy (DOE)
- U.S. Department of Health and Human Services, Administration for Native Americans (ANA)
- U.S. Department of Housing and Urban Development (HUD)
- U.S. Department of the Interior (DOI)
- U.S. Small Business Administration (SBA)
- U.S. Department of Transportation (DOT)

II. Background

- The Infrastructure Investment and Jobs Act (IIJA), signed into law in November 2021, includes the “Build America, Buy America Act” (BABA).¹
- Across all covered federal agencies, BABA requires that “none of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”
- On April 18, 2022, the Office of Management and Budget (OMB) released a [memorandum](#) to agencies on implementing BABA, including a requirement that agencies consult with tribal nations before applying BABA purchase preferences to covered programs affecting Tribal communities.
- The White House Council on Native American Affairs (WHCNAA) recognizes ongoing tribal requests for increased inter-agency collaboration and coordination, including on consultations. Rather than federal agencies consulting with tribes separately, WHCNAA invites Tribal Leaders to consult with the participating agencies in a joint, inter-agency consultation.

¹ P.L. 117-57 § 70901-52

III. Applicability

- This purchase preference applies to
 - **Types of Program Recipients:** non-Federal entities, including Tribal governments;
 - **Types of Federal Funding, Technical Assistance, or Donations:** grants, cooperative agreements, non-cash contributions or donations of property, direct assistance, loans, loan guarantees, and other types of financial assistance;
 - **Types of Infrastructure Projects:** projects including but not limited to structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems, including electric vehicle charging stations; utilities; broadband infrastructure; and buildings and real property; and
 - **Types of Products and Construction Materials:** For purposes of BABA, “construction materials” include an article, material, or supply— other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives— that is or consists primarily of:
 - non-ferrous metals;
 - plastic and polymer-based products (including polyvinylchloride, composite building materials, and
 - polymers used in fiber optic cables);
 - glass (including optic glass);
 - lumber; or
 - drywall.
- This purchase preference **does not** apply to
 - **Pre- and Post- Disaster Response:** pre- and post- disaster or emergency response expenditures under certain provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
 - **Non-infrastructure Projects:** programs or projects that do not include the development or expansion of aforementioned infrastructure projects.

IV. Waivers

- BABA allows for three (3) different types of waivers in addition to general applicability waivers:²
 - **Public interest waivers,** when applying domestic procurement preference would be inconsistent with public interest.
 - **Nonavailability waiver,** when the types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficiently and reasonably available quantities or of a satisfactory quality.

² P.L. 117-57 § 70914(c)

- **Unreasonable cost waiver**, when the inclusion of steel, manufactured products, or construction materials produced in the U.S. will increase the cost of the overall project by more than 25 percent.
- **General applicability waiver**. These waivers apply across multiple awards and can be “product-specific” or “non-product specific.” General applicability waivers can only stand for five (5) year periods.
- The OMB memorandum encourages agencies to consider the below principles when issuing a waiver:
 - **Time-limited**. This type of waiver is bound by a time period, e.g., when supply chain breakage points make a type of product non-available.
 - **Targeted**. Waivers outside a specific project should be limited to item(s), product(s) or material(s) or category(ies) of item(s), product(s), or material(s) necessary. Broader waivers will receive increased scrutiny from OMB.
 - **Conditional**. Agencies should issue waivers that support the policies of the Act and Executive Order 14005, *Ensuring the Future is Made in All of America by All of America’s Workers*.

V. Topics for Consultation

While the Build America Buy America purchase preference is required by law, federal agencies are able to pursue discretionary waivers in coordination with the OMB Made In America Office (MIAO).

The WHCNAA, in collaboration with participating federal agencies, seeks Tribal Leader input to ensure that BABA is implemented effectively in Indian Country. The following questions are designed to help guide the conversation of the consultation, but they are not an exhaustive list. Comments may be provided at the consultation sessions or in writing. Written comments may be sent to the following email address: whcnaa@bia.gov. All comments are due by Thursday, October 20, 2022.

Consultation Framing Questions for Discussion:

1. General Areas of Discussion on BABA

- **Implementation**. How will implementation of BABA affect tribal infrastructure projects?
- **Tribal Products**. Do you or your Tribal businesses currently manufacture or sell iron, steel, manufactured products, and/or construction materials that are being or otherwise could be used in infrastructure projects?
- **Sourcing**. Does your nation currently source any or all infrastructure project components—i.e., iron, steel, manufactured products, and/or construction materials—domestically?
- **Financial Assistance**. What financial assistance tools are you or your technical staff familiar with regarding BABA?
- **Determining Whether Products are BABA-Compliant**. Do you believe you will confront challenges in determining what iron/steel, manufactured and/or construction materials are BABA-compliant? If you anticipate challenges, do

you have suggestions for how Federal Agencies could help you overcome those challenges?

2. Public Interest Waivers

- **De minimis thresholds.** Construction costs in Indian Country are often higher than in non-tribal areas.
 - If federal agencies establish a de minimis waiver, what percent or maximum dollar amount of project costs should an agency waive these requirements?
 - What should federal agencies consider when developing a de minimis threshold for on- or off-tribal lands?
- **Small grants.** Agencies may waive purchase preference requirements for small grants below the simplified acquisition threshold,³ in perpetuity or to be phased out over time.
 - Should agencies consider utilizing the simplified acquisition threshold as the basis for public interest waivers?
- **Minor components.** Federal agencies may consider waivers for minor deviations for miscellaneous minor components within iron and steel products, comprising no more than 5 percent total material cost of otherwise domestically produced iron and steel products.
 - What are common minor components to infrastructure projects commonly utilized in Indian Country?
 - How often do tribal projects include minor components?
- **Adjustment period.** Agencies may consider a time limited waiver to allow recipients and agencies time to transition to this rule.
 - How much time is necessary for tribal nations to adopt these domestic purchase preferences for federally financed or supported infrastructure projects?
 - Should training be provided to Tribes prior to implementation of BABA?
- **Other considerations.** Agencies may consider waivers based on other considerations such as whether the project is managed by a low-resource community, resource availability, domestic job impacts, et al.
 - What other considerations should agencies consider when developing waiver standards?
 - In the event there are multiple federal funds supporting an infrastructure project which federal agency should be the responsible agency for waiver authority?

3. Nonavailability Waivers

- **Market Study/Research.** Before granting this waiver, agencies should consider whether the recipient has performed thorough market research.
 - What are standard practices that tribal nations and communities use when pursuing market research on product availability?

³ The simplified acquisition threshold is based on the Federal Acquisition Regulation, to be updated in the Federal Register. In Fiscal Year 2022, the simplified acquisition threshold is \$250,000, per 85 FR 62485.

- What types of justification should federal agencies recognize as acceptable when considering the development or administration of these waivers?
- What markets to tribal nations currently scope when purchasing steel, iron, and related goods for infrastructure projects?

4. **Unreasonable Cost Waivers**

- **Cost Comparison.** Before granting this waiver, agencies should ensure recipients provide adequate documentation that no domestic alternatives are available within the cost parameter.
 - How do tribes currently identify and manage for cost-comparisons when identifying project costs?
 - Are publicly available cost comparison data sets sufficient for the realities in cost differences that tribes encounter?

5. **General Applicability Waivers**

- **General considerations.** General applicability waivers require a public comment period and are only applicable for five (5) years pending review and renewal.
 - What product or non-product specific waiver standards should agencies consider adopting?
 - What are well-established sourcing challenges that your nation or Indian Country at large faces?

Designation Form to be copied onto Tribal Letterhead

Mr. Anthony Morgan Rodman
1849 C Street NW, MS 4160
Washington, D.C. 20240

Dear Mr. Rodman:

Under Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the White House Council on Native American Affairs aims to respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and meet the responsibilities that arise from the unique legal relationship between the Federal government and Tribal governments.

I am unable to attend the consultations discussing Build America, Buy America on Wednesday, September 21, 2022. I hereby designate:

who holds the position of _____ within
the Tribe to act as my proxy for this meeting.

Sincerely,



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 18, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs regarding the Tiwahe Initiative and consultation. The BIA is requesting your input to inform program expansion in FY 2022 and FY 2023.

Please see enclosed for more information on the Tiwahe initiative and its webpage. You may submit written comments to consultation@bia.gov by October 12, 2022. If you have any questions, please contact Meghan Bishop, Policy Specialist to the Assistant Secretary – Indian Affairs at (202) 208-4709 or via email: meghan.bishop@bia.gov.

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH

Date: 2022.08.19
11:02:54 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Deputy Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 12 2022

Dear Tribal Leader:

I invite you to consult on the future direction of the Tiwahe Initiative. In an effort to empower federally recognized Tribes to realize this potential, Indian Affairs (IA) launched the Tiwahe Initiative in fiscal year (FY) 2015 with six pilot sites. The Initiative is made up of several Human Services and Public Safety and Justice program components, which work together to protect and promote the development of prosperous and resilient Tribal communities. The Tiwahe model is effective because it allows Tribes to create their own potential and provides freedom to design programs and integrate services within Tribal culture and tradition to produce powerful outcomes beneficial to Indian communities and families living there. It also affords tribes the flexibility to direct Tiwahe funding where it is most needed.

The Bureau of Indian Affairs (BIA) needs your input to inform program expansion in FY 2022 and FY 2023. The FY 2022 budget includes funding for two additional Tiwahe sites, and the FY 2023 President's budget proposes an increase of \$20.2 million above the FY 2022 enacted level to increase the number of Tribal sites participating in the program. Increases were also requested to expand the breadth of public safety and justice programs under Tiwahe, as well as adding an economic development component. To provide more detail on the program, included with this letter is an overview of the Tiwahe Initiative.

During the consultation, the BIA welcomes all comments and will be specifically seeking input on the following questions:

1. What framework should IA use to expand Tiwahe sites in FY 2022 and FY 2023?
For example, should some of the following factors be taken into account:
 - Readiness to implement a Tiwahe plan;
 - The degree of access to resources and funding;
 - Level of Tribal and community support;
 - Interest in development of a pre-Tiwahe incubator to help tribes develop plans for future Tiwahe inclusion;
 - Who should comprise the selection team
2. What other factors should BIA consider in expanding the Tiwahe program?

We invite you to register for the following consultation sessions:

Monday, September 12, 2022
2:00 p.m. – 4:00 p.m. (ET)

Please register in advance at:

https://doitalent.zoomgov.com/webinar/register/WN_EV4E7r4ZTC6w2Fl8pFEBeQ

The Tiwahe Initiative Congressional Report is available at <https://www.bia.gov/ois/tiwahe>. We strongly recommend reviewing the Tiwahe webpage prior to attending a consultation session or submitting written comments for providing meaningful feedback.

You may also provide written comments to consultations@bia.gov by 11:59pm ET on October 12, 2022. If you have any questions, please contact Meghan Bishop, Policy Specialist to the Assistant Secretary – Indian Affairs at (202) 208-4709 or via email: meghan.bishop@bia.gov.

I look forward to your input on the future direction of the Tiwahe Initiative.

Sincerely,



Bryan Newland
Assistant Secretary – Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 19, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs regarding the development of a 10-year National Plan on Native Language Revitalization. The consultation is scheduled virtually on September 14, 2022, 3:00- 5:00 p.m. EST.

Please see enclosed for more information on the registration and webinar. If you would like to submit written comments email to consultation@bia.gov by October 14, 2022. If you have any questions, please contact Tracy Goodluck, Senior Policy Advisor, by phone at (202) 208-7163 or email at tracy_goodluck@ios.doi.gov.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by
GREGORY MEHOJAH
Date: 2022.08.19 10:59:18
-07'00'

Gregory Mehojah
Regional Director, Navajo

Enclosure(s)

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allision, Chief Legal Counsel, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG 17 2022

Dear Tribal Leader:

The Biden Administration is considering the development of a 10-year National Plan on Native Language Revitalization. The Plan would lay out a long-term, all-of-government strategy that works with Tribal Nations and, as appropriate, non-profit organizations, subject-matter experts, and other entities for the revitalization, protection, preservation, and reclamation of Native Languages.

The core aspects of the Plan may include a focus on creating a national awareness on the importance of Native languages; recognizing the role the U.S. played in erasing Native languages; integrating Native language learning in mainstream educational systems and the promotion of Native language reclamation in Federal policies; and identifying a wide range of funding and resources for Native language revitalization.

Through Consultation, the Administration seeks input from Tribal Leaders and Stakeholders as to:

- (1) What existing Federal funding streams and resources are most helpful to your Native language programs, initiatives, or efforts?
- (2) What are the barriers and challenges to Native language revitalization and protections?
- (3) Aside from increased Federal funding, what more could the Federal government do to support Native Language revitalization, reclamation, and protection?
- (4) What elements need to be in a National Plan for Language Revitalization?
- (5) What role should Tribes and others have in the National Plan?

The following table lists the date and consultation registration information. After registering, you will receive a confirmation email containing information about joining the meeting.

FOR:	DATES:	LOCATION and TIME:	TO JOIN WEBINAR:
Tribal Governments	September 14 th , 2022	Virtual 3:00-5:00 EST	Register in advance for this meeting: https://www.zoomgov.com/meeting/register/vJIsduGtrTtwoGedlHfvEdXWwyLriXYjz3rc

If you would like to provide written input, please email your comments to consultation@bia.gov no later than October 14, 2022, 11:59PM. If you have any questions regarding the Tribal consultation, you may contact Tracy Goodluck, Senior Policy Advisor, by phone at (202) 208-7163 or by email at tracy_goodluck@ios.doi.gov.

Sincerely,



Bryan Newland
Assistant Secretary – Indian Affairs

FRAMING PAPER
NATIONAL/FEDERAL PLAN ON INDIGENOUS LANGUAGES
DISCUSSION DRAFT

We are at a critical juncture for Indigenous languages. National Geographic reported in April of 2018 that between 1950 and 2010, 230 languages went extinct. This was according to the UNESCO Atlas of the World's Languages in Danger. Today, a third of the world's languages have fewer than 1,000 speakers left, which is the case for many of the Indigenous languages of the United States. Somewhere in the world, every two weeks a language dies with its last speaker, and 50 to 90 percent of languages are predicted to disappear by the next century. Native Languages are a critical and sacred part of Tribal/Indigenous communities. Native languages provide the backbone of Native culture and are vitally tied to traditional ways of life.

In acknowledgment of the cultural devastation caused to Native communities with the early policies of the United States, such as the boarding school and allotment eras, the federal government seeks to strengthen its support for the preservation, reclamation, and protection of Native and Indigenous languages. This work began with Presidential Executive Order 14049, the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities and the Interagency Native Language Memorandum of Agreement (MOA) announced last November 2021.

The federal government plans to continue and strengthen this work via a comprehensive National Plan on Native Language Revitalization and Reclamation for the next 10 years (2022-2032), similar to that of the International Decade of Indigenous Languages that many Tribal and Indigenous communities are participating in already.

While the work has already begun from ideas generated for this plan from targeted listening sessions, the plan cannot and should not be done without consulting with Tribal Nation leaders and Native language experts identified by Tribes themselves.

The plan will be developed in collaboration with the Departments of Interior, Education, Health and Human Services, and Agriculture as lead agencies in the MOA, and others as a whole of government approach is necessary.

We seek your input on developing a framework during consultation and listening sessions.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 23, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Director, Bureau of Indian Affairs seeking Tribal input on utilizing new Congressional funding to acquire fractional interests in trust or restricted land.

Please see enclosed for more information on the virtual listening sessions scheduled on September 13 and 15, 2022 Pacific time. If you would like to submit written comments, please send an email to consultation@bia.gov by September 30, 2022. If you have any questions, please contact Julius Snell, Senior Advisor, Tribal Relations, at (202) 329-1165 or email at julius_snell@ios.doi.gov.

Sincerely,

ANGELA
ARVISO

Digitally signed by
ANGELA ARVISO
Date: 2022.08.23
12:55:02 -06'00'

Gregory Mehojah
Regional Director

Enclosure(s)

cc: Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Stacy Allision, Chief Legal Counsel, Navajo Nation



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

August 19, 2022

Dear Tribal Leader:

The Bureau of Indian Affairs (BIA) seeks Tribal input on utilizing new Congressional funding to acquire fractional interests in trust or restricted land. The Consolidated Appropriations Act of 2022 (Public Law 117-103) provided the BIA with \$7,000,000 to acquire fractional land interests as authorized under the Indian Land Consolidation Act Amendments of 2000 (Public Law 106-462), and the American Indian Probate Reform Act of 2004 (Public Law 108-374). The BIA will continue to acquire fractional interests after the Land Buy-Back Program for Tribal Nations (LBBP) ceases operations in November 2022. Your answers to the questions below are needed to provide guidance to the BIA in utilizing this new funding.

- What acquisition priorities should the BIA focus on?
- How should Tribes be involved in the acquisition process?
- What aspects of the current LBBP should be continued or modified?

The BIA will conduct two virtual listening sessions listed below and will accept oral and written responses. Please register in advance for the session you plan on attending. After registering, you will receive a confirmation email containing information about joining the meeting. Please note that these Tribal listening sessions will be closed to the press and the public to protect confidential information that may be discussed during the sessions.

Tuesday, September 13, 2022

12:00 p.m. – 2:00 p.m. Pacific Time

Please register in advance at:

<https://www.zoomgov.com/j/1600514047?pwd=L3ppL25jWG5GMGZQM2ZmNIRPR3NsUT09>

Thursday, September 15, 2022

9:00 a.m. – 11:00 a.m. Pacific Time

Please register in advance at:

<https://www.zoomgov.com/j/1604055252?pwd=bzdVMMJNOFRBTjA1cDBBbERDbTFFUT09>

If you have any written input you would like to provide, please send to consultation@bia.gov by 11:59 p.m. Eastern Time on September 30, 2022 to ensure timely consideration.

If you have any questions, please contact Julius Snell, Senior Advisor – Tribal Relations, 202-329-1165, julius_snell@ios.doi.gov.

Sincerely,

Darryl LaCounte
Director, Bureau of Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 30, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs, US DOI and Director Office of Tribal Justice, inviting you to listening sessions to discuss the impact of the June 29, 2022, Supreme Court decision in *Oklahoma v. Castro-Huerta*.

Please see the enclosed for more information on the upcoming sessions scheduled on September 26 and 27, 2022 Eastern time. If you would like to submit written comments, please send an email to OTJ@usdoj.gov by September 30, 2022.

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2022.08.30
15:07:55 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



August 29, 2022

Dear Tribal Leader:

We are pleased to invite you to listening sessions with the Department of Justice (DOJ) and the Department of the Interior (DOI) to discuss the impact of the June 29, 2022, Supreme Court decision in *Oklahoma v. Castro-Huerta*, which addressed the scope of a state's criminal jurisdiction to prosecute non-Indian defendants in Indian country. A summary of this decision and possible topics for discussion are included at Appendix A.

Both sessions will be held virtually:

Monday, September 26, 2022	
3:00 – 5:00 p.m. Eastern Time	Link to register: https://dpregrister.com/sreg/10170785/f448755115 ; those unable to pre-register may join by calling 1-844-845-4169 and asking to be joined to the US DOJ Office of Tribal Justice call
Tuesday, September 27, 2022	
3:00 – 5:00 p.m. Eastern Time	Link to register: https://dpregrister.com/sreg/10170786/f4491215ac ; those unable to pre-register may join by calling 1-844-845-4169 and asking to be joined to the US DOJ Office of Tribal Justice call

Please note that you will be asked to provide your name, Tribal affiliation, and email when registering or joining the call. We welcome written comments at any time but encourage submission by September 30, 2022. Please submit them via email to OTJ@usdoj.gov.

If you have questions, please contact the Office of Tribal Justice at (202) 514-8812 or OTJ@usdoj.gov. We hope you will be able to participate in this important discussion and look forward to working with you.

Sincerely,

Tracy Toulou
Director, Office of Tribal Justice
U.S. Department of Justice

Bryan Newland
Assistant Secretary – Indian Affairs
U.S. Department of the Interior



APPENDIX A

BACKGROUND

In 2015, the State of Oklahoma charged Victor Manuel Castro-Huerta, a non-Indian person living on the Cherokee Nation reservation in Oklahoma, with criminal child neglect. The victim was a member of the Eastern Band of Cherokee Indians. After his conviction in state court, Castro-Huerta appealed the decision and, while his appeal was pending, the Supreme Court issued *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020).¹

In the wake of the *McGirt* decision, Castro-Huerta challenged his conviction, arguing that the State of Oklahoma lacked criminal jurisdiction to prosecute him for his offense against an Indian victim in Indian country. The Oklahoma Court of Criminal Appeals agreed.² The State then filed a petition asking the Supreme Court to review the decision, arguing that the State had inherent jurisdiction to prosecute non-Indian defendants who commit crimes against Indian victims in Indian country. The Supreme Court granted the State's request to review the ruling.

On June 29, 2022, the Supreme Court held that the General Crimes Act (18 U.S.C. § 1152) does not preempt or otherwise limit state criminal jurisdiction to prosecute non-Indian defendants who commit crimes against Indian victims in Indian country. In so holding, the Court rejected the United States' longstanding position that under the General Crimes Act, federal jurisdiction is exclusive of state jurisdiction in Indian country over crimes committed against Indian victims unless Congress has statutorily delegated such authority.³ The Court also made clear that its decision was not limited to the State of Oklahoma but instead "applies throughout the United States."⁴

The Supreme Court left open the possibility that Congress, exercising its plenary power over Indian affairs, could abrogate its decision by legislation.⁵ Unless Congress acts, however, "States may exercise jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country."⁶

¹ In *McGirt*, the Supreme Court held that Congress had never disestablished the Muscogee Creek Nation reservation in eastern Oklahoma and that the Muscogee Creek Nation thus reservation remained Indian country. Based on the *McGirt* decision, the Oklahoma Court of Criminal Appeals later concluded that the Cherokee Nation reservation also remained intact. *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, ¶ 15, 497 P.3d 686, 689.

² *Castro-Huerta v. State*, No. F-2017-1203 (Apr. 29, 2021).

³ Br. for United States, No. 21-429, *Oklahoma v. Castro-Huerta* (filed April 2022), available at https://www.supremecourt.gov/DocketPDF/21/21-429/220251/20220404203500611_21-429bsacUnitedStates.pdf.

⁴ See *Castro-Huerta v. Oklahoma*, 597 U.S. __ (2022), slip op. at 24 n.9.

⁵ See *id.*, slip op. at 6; see also *id.* (Gorsuch, J., dissenting), slip op. at 41.

⁶ See *id.*, slip op. 24 n.9.



QUESTIONS FOR CONSIDERATION

The following questions are not intended to limit discussion; the Departments welcome any question or topic of interest to participants.

1. What is the impact of this Supreme Court decision on your law enforcement or justice systems?
2. Does this decision impact standing cooperative agreements or processes with state or federal agencies? If so, how?
3. What has been the reaction to the *Castro-Huerta* decision in your Tribe? Do you have views about concurrent state criminal jurisdiction in Indian country?



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 30, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs, and Deputy Assistant Secretary – Policy and Environmental Management seeking your feedback and recommendations on a draft document entitled “BIPARTISAN INFRASTRUCTURE LAW SEC. 40601 ORPHANED WELL PROGRAM, Tribal Grant Guidance, Fiscal Year 2023.”

Tribal consultations sessions will be held on September 27, and 29, 2022 from 1pm – 3pm, EST. Please see the enclosed for more information on the upcoming consultation sessions. If you would like to submit written comments, please send an email to ECRP@ios.doi.gov or by mail to:

US Department of the Interior
Office of Environmental Policy and Compliance 1849 C Street NW, Room 2624
Washington, DC 20240

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2022.08.30
15:06:35 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 26, 2022

Dear Tribal Leaders,

The U.S. Department of the Interior (DOI) is seeking your feedback and recommendations on a draft document entitled “BIPARTISAN INFRASTRUCTURE LAW SEC. 40601 ORPHANED WELL PROGRAM, Tribal Grant Guidance, Fiscal Year 2023,” which can be found here: [Tribal Orphaned Well Grants](#). To collect this feedback, DOI’s Office of Environmental Policy and Compliance (OEPC) and Bureau of Indian Affairs (BIA) are hosting Tribal Consultation sessions on Tuesday, September 27, 2022, and Thursday, September 29, 2022, from 1 pm – 3 pm EST. Registration for this consultation is required. You may register to attend the virtual meeting on September 27, 2022 [here](#). You may register to attend the virtual meeting on September 29, 2022 [here](#).

The Tribal Grant Guidance was developed with input gathered over the last year from Tribal leaders, OEPC, and BIA’s Indian Energy Service Center (IESC). This effort also included a formal Tribal Consultation on the BIL generally (January 2022), and Tribal listening sessions specific to the Orphaned Well Grant Program (February 2022). Other partners instrumental in the development of this document includes the Bureau of Land Management, the DOI Office of the Solicitor, and the Interior Business Center. These entities are fully committed to working with Federally-recognized Tribal governments on a government-to-government basis and strongly support and respect Tribal sovereignty and self-determination for Tribal governments in the U.S.

OEPC and BIA are hosting this Consultation to receive input from Federally-recognized Tribes on this draft Tribal Grant Guidance. The guidance will be used in the administration and distribution of the first round of funding, with up to \$50 million available for Tribal projects in FY2023. Section 40601(d) of the Bipartisan Infrastructure Law (BIL) creates an orphaned well plugging, remediation, and reclamation grant program within the DOI to address orphaned wells and well sites on Tribal lands.

Specific questions on which we invite your feedback are listed below:

1. What recommendations do you have for partnering with Tribes to conduct activities described in the BIL and this grant program?
2. How might DOI improve communication with Tribes regarding orphaned well plugging, remediation, and reclamation?
3. What additional support, including specific types of technical assistance, might be useful to your Tribe in order to submit a grant application, manage a plugging program, and meet the administrative and reporting requirements of this program?
4. The BIL Section 40601 appropriation for Tribal grants totals \$150 million. Allocation of not more than \$50.0 million, total, in year one, and not more than

\$1.0 million per Tribe for capacity-building in year one are recommended to make sure that Tribes are able to conduct orphaned well inventories, and plan a plugging program, over a period of time. Do these recommended caps support your Tribe's needs?

These and other topics will be open for discussion at the Tribal Consultation. For those who would like to send written remarks, they may be provided by email to ***ECRP@ios.doi.gov*** or by mail to:

US Department of the Interior
Office of Environmental Policy and Compliance 1849 C Street NW, Room 2624
Washington, DC 20240

On your correspondence, please note your Tribal affiliation and include "Tribal Orphaned Well Grant Guidance" in the header or subject line to identify the subject matter. Keep in mind that all relevant comments, including personal information if provided as part of your comments, may be posted publicly without change.

Sincerely,



Bryan Newland
Assistant Secretary - Indian Affairs



Eric Werwa
Deputy Assistant Secretary – Policy and Environmental Management



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 6, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

In August, a Dear Tribal Leader letter was sent to you from the Executive Director, White House Council on Native American Affairs inviting you to consult on the implementation of the Memorandum of Understanding Regarding Interagency Coordination And Collaboration For The Protection Of Tribal Treaty And Reserved Rights (TTR, MOU).

Please see the enclosed for more information on the inter-agency Working Group of the TTR, MOU and its consultation scheduled on September 16 and 19, 2022. You are also welcomed to provide written comments to consultation@bia.gov by October 10, 2022. Please contact Mr. Thomas Garcia, Special Assistant for the White House Council on Native American Affairs, at Thomas.garcia@bia.gov or via phone at (202) 568-0877.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by
GREGORY MEHOJAH
Date: 2022.09.06
15:12:03 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 6, 2022

Dear Tribal Leader:

The inter-agency Working Group of the *Memorandum Of Understanding Regarding Interagency Coordination And Collaboration For The Protection Of Tribal Treaty And Reserved Rights* (TTR MOU)¹ is requesting your feedback on the attached draft document: Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and other Similar Rights in Federal Regulatory Actions and Federal Decision-Making. This document accompanies the Best Practices Field Guide and Decision Flow Chart that were included with the August 18, 2022, letter notifying Tribal leaders about the Tribal consultations on September 16 and September 19, 2022, from 2-4pm Eastern Time.

This longer Best Practices document—along with the previously sent Best Practices Field Guide and Decision Flow Chart—is designed to assist federal field staff in integrating the consideration of treaty and reserved rights into agency decision making processes. The TTR MOU Work Group is seeking Tribal feedback on these documents to inform the development and use of the documents by the TTR MOU signatory departments and agencies.

The TTR MOU was drafted and signed by 17 federal agencies in accordance with the policy framework announced in President Biden's January 26, 2021, *Executive Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships* and was announced at the White House Tribal Nations Summit on November 15, 2021. The TTR MOU commits federal agencies to coordinate and collaborate to protect on and off reservation treaty rights, reserved rights and similar Tribal rights.

All Tribal leader comments and recommendations on the implementation of the TTR MOU are welcome. Of particular interest are Tribal leader perspectives on how the TTR MOU signatory agencies may improve best practices and training for federal staff on identifying and honoring treaty rights, reserved rights, and other similar rights.

Administration officials from the various MOU signatories will be present at the Tribal consultation.

You are invited to register for one or more of the following consultations:

Friday, September 16, 2022
2:00 p.m. – 4:00 p.m. (ET)

<https://www.zoomgov.com/meeting/register/vJlscOmrrDotEpTQLyf9UCuGvxrdS-3fwOs>

¹ Interagency MOU Protecting Tribal Treaty and Reserved Rights online at:
<https://www.doi.gov/sites/doi.gov/files/interagency-mou-protecting-tribal-treaty-and-reserved-rights-11-15-2021.pdf>

Monday, September 19, 2022

2:00 p.m. – 4:00 p.m. (ET)

<https://www.zoomgov.com/meeting/register/vJltf--spj4pH8CU0YQZnTiYy4dt-p1sjMI>

You may also provide written comments to consultation@bia.gov by 11:59 p.m. ET on Monday, October 10, 2022. If you have any questions, please contact Thomas Garcia, Special Assistant for the White House Council on Native American Affairs, at thomas.garcia@bia.gov or via phone at (202) 568-0877.

Sincerely,

A handwritten signature in black ink, appearing to read "A Morgan Rodman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony Morgan Rodman
Executive Director
White House Council on Native American Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 9, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed a Dear Tribal Leader letter from the Senior Counselor to the Secretary, on the proposals to replace the derogatory term “squaw” (henceforth written as sq____) in response to Secretary’s Order 3404.

Please see the enclosed for more information on the task force and names that were recommended by the Task Force.

Sincerely,

**GREGORY
MEHOJAH** Digitally signed by
GREGORY MEHOJAH
Date: 2022.09.09
12:49:35 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure (s)

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



THE SECRETARY OF THE INTERIOR
WASHINGTON

SEP 08 2022

Dear Tribal Leader:

Thank you to those who provided proposals to replace the derogatory term “squaw” (henceforth written as sq___) in response to Secretary’s Order (SO) 3404. The Department of the Interior (Department) Derogatory Geographic Names Task Force (Task Force) received more than 1,000 recommendations for name changes to well over 300 features through both the Tribal consultation and public notice processes. Nearly 70 Tribal governments participated in Tribal consultation, and 40 of them made over 300 recommendations pertaining to 250 features. More than 150 names that the Task Force recommended for approval are geographic names in a Native language. Other names being recommended by the Task Force that were received through Tribal consultation honor historical Tribal leaders such as Chief Eagle Eye of the Shoshone-Bannock Tribe and Chief Miwaleta of the Cow Creek Band of Umpqua Indians.

This renaming effort included several complexities: evaluation of multiple public or Tribal recommendations for the same feature; features that cross Tribal, Federal, and State jurisdictions; inconsistent spelling of certain Native language names; and reconciling diverse opinions from various proponents. In all cases, the Task Force took every comment and proposal seriously. Wherever possible, the Task Force accepted Tribes’ preferences for replacement names. However, the Task Force was unable to accommodate three Tribal recommendations for features that are not on Tribal lands. In those cases, the Task Force recommended a replacement name that had significant support from the local community, either through a proposal that predated the SO or through public comment. Those three features are below:

Prior Name	GNIS ID	State	Tribal Proponent	Tribal Proposed Name	Recommended Name	Reason
Sq___ Creek Reservoir	1127488	OR	Shoshone-Bannock Tribes	Teheya’ampaa Paagadede / Tehechapaa Nena	Paa nena-d Reservoir	BGN Proposal for Paa nena-d Reservoir in process prior to SO 3404
Sq___ Island	1508664	WA	The Confederated Tribes of the Grand Ronde Community of Oregon	Ka-se-now Island	Gee Island	Significant support for Gee Island through public comment
Sq___ Creek	1526454	WA	Confederated Tribes of the Colville Reservation	West Fork Frosty Creek	Gooseberry Creek	Significant support for Gooseberry Creek through public comment

In several cases, multiple Tribes provided conflicting recommendations for the same feature, though only one name could ultimately be accepted by the Task Force. In these instances, Task Force members used their best judgement to select the most appropriate name provided through Tribal consultation. In instances where the Task Force did not receive specific recommendations from Tribes or through public comment, the Task Force selected one of the default candidate

replacement names based on a thorough search of nearby named geographic features for the purpose of local consistency, in accordance with SO 3404.

Through the consultation process, many issues were identified and discussed, and we heard widespread support for removing the “sq__” word. We did receive some important feedback, however, during the nationwide consultation on March 22, 2022. One participant who identified herself as a linguist made a case for leaving some “sq__” names intact, saying that the word as translated from the Algonquin language family is not considered derogatory. We acknowledge that viewpoint; however, determining which specific feature names may have originated from Algonquin languages would be a difficult and time-consuming process. Additionally, the Secretary has determined that the English word has been and continues to be used in demeaning and offensive ways in the broader national context. Her decision reflects a consensus that was echoed by other participants during that same consultation session. As names on maps and mapping products issued by the Federal Government need to reflect that national consensus with consistency, the Task Force has made no exceptions and has recommended replacements for all “sq__” names.

Although the work of this Task Force is complete, you are always invited to propose name changes for any features—including the recently approved names—through the regular Board of Geographic Names (BGN) process. An explanation of the process is available in [U.S. Board of Geographic Names: Principles, Policies, and Procedures](#). If a feature is located entirely on lands under the jurisdiction of a Tribe, the BGN Policy X applies, and the relevant Tribe need only contact the BGN to notify us of the suggested replacement name.

Once again, the Department thanks all those who provided comments or proposals. This effort is of greatest importance in working to ensure that our public lands and water are accessible and welcoming.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Klein", with a long horizontal flourish extending to the right.

Elizabeth Klein
Senior Counselor to the Secretary



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3404

Subject: Declaring “Squaw” a Derogatory Term and Implementing Procedures to Remove the Term from Federal Usage

Sec. 1 Purpose. The Department of the Interior (Department) is responsible for the stewardship and management of public lands. However, there are many geographic features across the Nation that bear names which are considered derogatory. This Order identifies the term “squaw” as derogatory and provides direction to the Board on Geographic Names (BGN) to replace it.

Sec. 2 Authority. The authority for this Order is established under 43 U.S.C. §§364-364f.

Sec. 3 Background. Pursuant to 43 U.S.C. §364d, the Secretary of the Interior (Secretary) is required to “promulgate in the name of the Board [on Geographic Names] . . . decisions with respect to geographic names, and principles of geographic nomenclature and orthography”

The BGN is a Federal body established by Public Law 80-242 (61 Stat. 456) in 1947 to maintain uniform geographic name usage throughout the Federal Government. The BGN comprises representatives of Federal agencies concerned with geographic information, population, ecology, and management of public lands. Sharing its responsibilities with the Secretary, the BGN promulgates official geographic feature names in accordance with its principles, policies, and procedures.

The BGN’s guiding principle for the names of geographic features in the United States and its territories is to approve for Federal use the names found in present-day local usage (see Principles, Policies, and Procedures [2016], Principle II, Names in Local Use). An exception to this principle may occur when a name is derogatory to a particular racial or ethnic group, gender, or religious group. The BGN will not make official for Federal use a locally used name that has been determined by the Secretary to be derogatory. BGN guidelines also require that a replacement name be identified when removing a derogatory name from a feature.

From time to time, derogatory names have been identified by the Secretary or the BGN and have been comprehensively replaced. In 1962, Secretary Udall identified a pejorative term for “African-Americans” as derogatory, and directed that the BGN develop a policy to eliminate its use. In 1974, the BGN identified a pejorative term for “Japanese” as derogatory and eliminated its use. When referring to the pejorative term for “African-Americans”, Secretary Udall commented “[w]hatever the overtones of the word were in the past, unquestionably a great many

people now consider it derogatory or worse.” The time has come to recognize that the term “squaw” is no less derogatory than others which have been identified and should also be erased from the National landscape and forever replaced.


Sec. 4 Declaration and Replacement of “Squaw” as a Derogatory Term.

- a. The term “squaw” is hereby declared to be derogatory, and all existing Federal geographic names using the term will be treated in accordance with the BGN’s Policy V: Derogatory and Offensive Names.
- b. The U.S. Geological Survey (USGS) will develop a list of locations and select candidate replacement names drawn from a list of nearby associative topographic features, the names of which are already accepted and in local use. This list will be supplied to the task force created in section 4.c. no later than 30 days after the establishment of the task force created in section 4.c.
- c. A task force chaired by the USGS will be created no later than 30 days after the issue of this Order. This Derogatory Geographic Names Task Force (task force) will include 13 representatives selected by the Secretary from the BGN primary Federal land management agencies and diversity, equity, and inclusion experts from the Department, as follows:
 1. Seven BGN representatives, one each from the U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, USGS, Bureau of Indian Affairs, and BGN Executive Secretariat;
 2. Six additional representatives as selected by the Secretary, as follows:
 - (a) One representative from the Office of Assistant Secretary – Indian Affairs;
 - (b) One representative from the Department’s Office of Diversity, Inclusion, and Civil Rights; and
 - (c) Four representatives from Department’s Bureaus representing diverse backgrounds and experience.
- d. The Secretary will provide the task force with any additional staff members and technical assistance that the Secretary, after consultation with the task force, determines to be appropriate to enable the task force to carry out its duties.
- e. The task force will consider replacement names from the list of candidate names identified pursuant to section 4.b. using the following process:
 1. Within 60 days of receiving the list of candidate names, the task force will make the list of candidate names available for written public comment in the Federal Register for a period of no less than 30 days.

2. The task force will engage in Tribal consultation consistent with President Biden's January 26, 2021, memorandum entitled, "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships," and existing Departmental Policy. Tribal consultation will be concluded 90 days after candidate names have been provided to the task force.
 3. The task force will review all public feedback and will consider Tribal feedback in accordance with Departmental policy. The task force will submit the proposed name changes to the BGN within 90 days after conclusion of the public comment period and Tribal consultation.
- f. The BGN will render a decision on all recommended name changes no later than 60 days following the submission of all proposed replacement names by the task force.
 - g. For each change, the former name will be retained as a variant for historical and archival purposes in the Geographic Names Information System.
 - h. The BGN's Policy I that prevents the BGN from considering a name change due to pending congressional legislation will not apply to the actions resulting from this Order.

Sec. 5 Effect of the Order. This Order is intended to declare the term "squaw" derogatory and establish a task force to change existing geographic feature names currently containing that term.

Sec. 6 Expiration Date. This Order is effective immediately and will remain in effect until its provisions are implemented or until it is amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date: NOV 19 2021



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 30, 2022

Electronic Transmission

Honorable Jonathan Nez
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding the Section 105(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. §5324(1)) provides that Tribes and Tribal Organizations carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with Indian Affairs for the tribally owned or rented facility used to carry out those functions.

There will be two (2) listening sessions held on Wednesday, October 12, 2022, and Thursday, October 13, 2022. Please see the enclosed for more information on the meeting location and link.

Sincerely,

HAROLD BRIEN

Digitally signed by HAROLD
BRIEN
Date: 2022.09.30 13:49:05
-06'00'

Harold Brien
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 29 2022

Dear Tribal Leader:

Section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5324(1)) provides that Tribes and Tribal Organizations (T/TOs) carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with Indian Affairs for the tribally owned or rented facility used to carry out those functions.

The Office of Assistant Secretary - Indian Affairs, Office of Facilities, Property and Safety Management will host two (2) virtual listening sessions with T/TOs to present a general overview of the ISDEAA 105(l) Facility Lease Program and to provide an overview of how to use the new 105(l) Technical Assistance Guidebook. The listening sessions will focus on the following:

- What is a 105(l) facility lease
- Eligibility requirements
- Types of compensation
- How to start the process

These one (1) hour listening sessions will provide the opportunity for Tribes to learn more about this expanding program. The current version of this Technical Assistance Guidebook can be accessed at the following link: <https://www.bia.gov/as-ia/ofpsm/brpl/105lp>

Date	Time	Location/Link
Wednesday, October 12, 2022	11:30 a.m. – 12:30 p.m. EST	https://doitalent.zoomgov.com/webinar/register/WN_so2u3KnRVyaNsOmnB1Zyw
Thursday, October 13, 2022	2:00 p.m. – 3:00 p.m. EST	https://doitalent.zoomgov.com/webinar/register/WN_xCx0eZ5ESaiVkZ2OSKQEjw

We look forward to presenting this subject to you. If you have any questions, please contact Judith Wilson, Director of the Office of Facilities, Property and Safety Management and her team at ISDEAA105L@BIA.GOV.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Appendix B – News Release

<https://www.bia.gov/press-releases>

September 2022



PRESS RELEASE

[Bureau of Indian Affairs announces Richard “Glen” Melville will lead the Office of Justice Services](#)

The Bureau of Indian Affairs announced today that Richard “Glen” Melville, an enrolled member of Makah Tribe of Washington, will lead the Office of Justice Services as a deputy bureau director starting this month. Melville joined the Bureau of Indian Affairs in 1997 and served a 29-year career with the bureau and Tribal law enforcement programs before retiring in 2021 as the deputy associate director for the Office of Justice Services. He has since returned from retirement to lead OJS's public safety programs.

Date: 09/21/2022

August 2022



PRESS RELEASE

[Assistant Secretary Newland Announces Tribal Tourism Grants Availability](#)

Assistant Secretary for Indian Affairs Bryan Newland announced today that the Indian Affairs Office of Indian Economic Development is soliciting applications for its Fiscal Year 2022 Tribal Tourism Grant Program.

Date: 08/23/2022



PRESS RELEASE

[Indian Affairs Seeking Applications for 2022 National Tribal Broadband Grant Program](#)

Assistant Secretary - Indian Affairs Bryan Newland announced today that the Indian Affairs Office of Indian Economic Development is accepting applications from eligible federally recognized Tribes for the 2022 National Tribal Broadband Grant Program.

Date: 08/17/2022



PRESS RELEASE

[NTIA and BIA Sign Agreement to Streamline Environmental Permitting for High-Speed Internet Projects on Tribal Lands](#)

Today, the Department of Commerce's National Telecommunications and Information Administration (NTIA) and the Department of Interior's Bureau of Indian Affairs (BIA) announced an agreement to coordinate responsibilities in ensuring compliance with environmental, historic preservation, and cultural resources requirements related to the Tribal Broadband Connectivity Program (TBCP).

Date: 08/09/2022



PRESS RELEASE

[Haskell Indian Nations University Receives \\$20 Million National Science Foundation Research Award for Indigenous Science Hub Project](#)

Assistant Secretary for Indian Affairs Bryan Newland today announced that Haskell Indian Nations University, a Bureau of Indian Education-operated Tribal University in Lawrence, Kansas, is the recipient of a \$20 million award from the National Science Foundation for an Indigenous science hub project. Funded under the American Rescue Plan Act of 2021, the award is for five years and is the largest research award ever granted by the NSF to a Tribal college or university.

Date: 08/03/2022

July 2022



PRESS RELEASE

[Buy-Back Program sends offers to landowners with fractional interests at the Fort Belknap Indian Reservation](#)

The Department of the Interior today announced that 2,184 landowners with fractional interests at the Fort Belknap Indian Reservation in Montana have been sent more than \$11.1 million in purchase offers from the Land Buy-Back Program for Tribal Nations. Landowners who received offers with a cover letter date of June 28, 2022, have until August 12, 2022, to consider and return accepted offers.

Date: 07/28/2022